



W.P(MD)No.15216 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD)No.15216 of 2019

P.Pandi

... Petitioner

VS.

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Forest Officer,
District Forest Office,
Collectorate Campus,
Dindigul.

3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Dindigul District,
Dindigul.

4.The Tahsildar,
O/o.The Tahsildar,
Dindigul West,
Dindigul District.

5.P.Rajendran

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in the water canal of “Chinnakombai Dam” and its adjacent lands and Kannivadi Hills in Survey Nos.462/2, 463/1, 463/4, 463/7, 651/2, 653/4, 654/5, 656/3, 657/1, 657/2, 659, 666/4, 677/1, 16/2, 463/2, 464/5, 464/6, 653/1 and 661/2 situated at Kodalvavi Panchayat, Dindigul West Taluk, Dindigul District within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For RR 1 to 4 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For R – 5 : Mr.K.Appadurai

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in the water canal of “Chinnakombai Dam” and its adjacent lands and Kannivadi Hills situated at Kodalvavi Panchayat, Dindigul West Taluk, Dindigul District within the time stipulated by this Court.



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2. Today, when the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that in the place in question, totally seven encroachments were identified and five encroachments have already been removed. For the removal of two encroachments, he seeks time to remove the same within a time frame.

3. The said submission of the learned Additional Government Pleader is not refuted by the learned counsel appearing for the petitioner.

4. The fifth respondent has also filed a counter-affidavit stating that he has not made encroachment as alleged by the petitioner and because of the pendency of the civil suit between him and the petitioner, the petitioner has filed this Writ Petition only with an intention to harass the fifth respondent. Thus, the Writ Petition is liable to be dismissed.

5. Recording the abovesaid submission of the learned Additional Government Pleader, this Writ Petition is disposed of directing the authorities concerned to remove the remaining two encroachments in the abovesaid survey numbers, after affording sufficient opportunity to all the



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parties concerned and by due process of law. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

[R.M.D.,J.] [J.S.N.P.,J.]
13.10.2022

Index : Yes / No
Internet : Yes

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The District Forest Officer,
District Forest Office,
Collectorate Campus,
Dindigul.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Dindigul District,
Dindigul.
- 4.The Tahsildar,
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Dindigul District.



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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DATED : 13.10.2022