



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P. [MD]No.12821 of 2022

and

W.M.P. (MD) Nos.9097 & 9099 of 2022

Dhiraviyam Sathappan

....Petitioner

Vs.

1.The District Collector,
Office of the Collectorate Building,
Dindigul.

2.Block Medical Officer
Primary Health Centre,
Ulapakudi,
Dindigul District.

3.The Tahsildhar
Natham,
Dindigul District.

4.The President
Panchayat Union,
Natham,
Dindigul District.

5.Maheswari

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1, 3, 4 to take necessary action for removal of the encroachments made by the fifth respondent in the property comprised in S.No.17/1A to an extent of 12 cents, Kudagipatti Village, Natham Taluk, Dindigul District belonging to the third respondent and used as a pathway/passage for the general public to reach the second respondent hospital for treatment on the basis of the petitioner's representation dated 20.05.2022.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondents : Mr.D.Sadiq Raja - R1 to R3
Additional Government Pleader
: Mr.S.R.A.Ramachandran - R4
Additional Government Pleader



O R D E R

[Order of the Court was made by **P.N.PRAKASH, J.**]

It is the case of the petitioner that his father late.Arockiasamy had donated 12 cents of land in Survey No.17/1A measuring an extent of 12 cents in Kudagipatti Village, Natham Taluk, Dindigul District, to the Natham Panchayat Union, for the purpose of providing free access to the Primary Health Centre, that was catering to the needs of the Villagers.

2. While that being so, it is alleged that the fifth respondent is putting up illegal construction in the said pathway and thereby, she is causing obstruction.

3. Today, Dr.N.Shiek Abdulla, Block Medical Officer, Natham Block, Dindigul District and Mr.Jeevanraj, Deputy Inspector of Survey, Natham, are present before this Court.

4. On instructions, Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for respondents 1 to 3 submitted that the second respondent has already given a complaint to the third respondent on these aspects, pursuant to which, survey and enquiry was conducted and the construction that was being put up by the fifth respondent was stopped. He further stated that the matter has to be decided by the District Revenue Officer, since mutation of revenue records has been carried out during UDR proceedings to change, which orders have been obtained only from the District Revenue Officer, since he is the competent authority.

5. He further submitted that after orders passed by the District Revenue Officer, if there are encroachments, the same would be removed.

6. Recording the same, we direct the third respondent to complete the enquiry, send a report to the Revenue Divisional Officer immediately, so that the matter reaches the District Revenue Officer within a period of four weeks and thereafter, the District Revenue Officer, may pass appropriate orders expeditiously. If, after the proceedings of the District Revenue Officer, it is found that the fifth respondent has encroached, it is needless to state that the encroachments should have been removed in accordance with law.

7. We place on record our appreciation to Dr.N.Shiek Abdulla, Block Medical Officer, Natham Block, Dindigul District, for pro-actively taking up the matter with the revenue authorities on finding that encroachments were made in the pathway.



8. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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// True Copy //

Sd/-

Assistant Registrar (CS-III)

/ /2022

Sub Assistant Registrar(CS)

RM

To

1.The District Collector,
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Dindigul.

2.Block Medical Officer
Primary Health Centre,
Ulapakudi,
Dindigul District.

3.The Tahsildhar
Natham,
Dindigul District.

4.The President
Panchayat Union,
Natham,
Dindigul District.

5.The Revenue Divisional Officer,
Dindigul.

6.The District Revenue Officer,
Dindigul.

+1 CC to M/s.R.G. SHANKARGANESH, Advocate (SR-27566[F]
dated 22/06/2022)

+1 CC to M/s.SPL.GP (SR-27717[F] dated 23/06/2022)

ORDER MADE IN

W.P.[MD]No.12821 of 2022

22.06.2022

svn (CO)

GC(29.06.2022) 3P 9C