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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.13980 of 2020

S.Jayakumar ... Petitioner

-Vs-

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Oddanchatram Taluk Office,
Oddanchatram, Dindigul District.

3.The Block Development Officer,
Thoppampatti Panchayat Union Office,
Oddanchatram Taluk, Dindigul District.

4.Sakthivel

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5.Nachimuthu
6.Karupusamy
7.Muthusamy
8.Boopathy ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to evict encroachment of unauthorized occupation in public place situated before the Arulmigu Natrayan Kovil, Perumal Kovil valasu hamlet in Survey No.184-A/6 at Poosaaripatti Village, Oddanchatram Taluk, Dindigul District.

For Petitioner : Mr.K.K.Samy
For R1 to R3 : Mr.V.Nirmal Kumar,
Government Advocate
For R4 & R6 to R8: Mr.Ananth C.Rajesh
For R5 : No Appearance

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed, seeking issuance of a Writ of Mandamus, directing the respondents to evict the encroachment of unauthorized occupation in public place situated before the Arulmigu Natrayan Kovil,

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Perumal Kovil valasu hamlet in Survey No.184-A/6 at Poosaaripatti Village, Oddanchatram Taluk, Dindigul District.

2.Claiming that the respondents 4 to 8 have encroached the land in question, the petitioner has made a representation dated 16.07.2020 to the 1st respondent. On receipt of the same, the 1st respondent vide his letter in O.Mu.No.14575/2020/D2, dated 27.07.2020 has directed the 2nd respondent to take necessary action in this regard. Despite the order of the 1st respondent, the 2nd respondent has not acted upon. Hence, this Writ Petition.

3.The learned Government Advocate for the respondents 1 to 3 submitted that the representation of the petitioner dated 16.07.2020 would be considered on merits and appropriate action for removal of encroachment would be taken by following due process of law.

4.In view of the above, without going into the merits of the case, this Court directs the authorities concerned to conduct a survey after issuing notice

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to all the parties concerned in the presence of the petitioner as well as any other interested parties and if the survey reveals any encroachment in the place in question, the same shall be removed by the authorities concerned, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands disposed of. No costs.

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

10.11.2022

Index : Yes / No
Internet : Yes / No

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To

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R.MAHADEVAN, J.

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J.SATHYA NARAYANA PRASAD, J.

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