



W.P.(MD)No.16456 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

**W.P.(MD)No.16456 of 2022 and
WMP(MD) No.11890 of 2022**

Dhiraviyam Sathappan

: Petitioner

Vs.

- 1.The District Collector
Office of the Collectorate Building,
Dindigul.
- 2.The District Revenue Officer,
(Additional Personal Assistant) Land
Dindigul.
- 3.Block Medical Officer,
Primary Health Centre,
Ulapakudi
Dindigul District
- 4.The Tahsildar
Natham
Dindigul District
- 5.The President,
Panchayat Union,
Natham, Dindigul District



W.P.(MD)No.16456 of 2022

6.Maheswari

: Respondents

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PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent dated 14.07.2022 in proceedings Na.Ka.No. 21698/2022/AA4 quash the same, as the same is arbitrary, ultravires, in contravention to the order dated 22.06.2022 made in W.P.No.12861/2022 and consequently direct the 4th respondent to conduct an enquiry affording ample opportunity to the petitioner.

For Petitioner	: Mr.R.G.Shankar Ganesh
For Respondents	: Mr.P.Thilakkumar
	Government Pleader for R1 to R5

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

Challenging the notice of hearing dated 14.07.2022 calling upon the petitioner to appear before the District Revenue Officer, on 27.07.2022, the petitioner has filed the present writ petition, which came up before the learned Single Judge, who, in turn, directed the matter to be posted before this Court.

2. It is seen that this petitioner has earlier filed a public interest litigation in W.P.(MD) No.12821 of 2022 alleging that there are



W.P.(MD)No.16456 of 2022

encroachments in S.No.17/1A to an extent of 12 cents in Kudagipatti Village, Natham Taluk, Dindigul District belonging to the Government and for a direction to remove the same. In the said writ petition, this Court passed the following order:

“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



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W.P.(MD)No.16456 of 2022

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.”

3. Thereafter, the District Revenue Officer appears to have issued the impugned hearing notice dated 14.07.2022 to the petitioner calling upon the petitioner to come for the enquiry. In fact, in our earlier order dated 22.06.2022, we had not given any opportunity to the petitioner to appear before the District Revenue Officer, despite that, the District Revenue Officer had issued the impugned hearing notice to the petitioner as stated above. After receipt of the hearing notice, the petitioner has



W.P.(MD)No.16456 of 2022

filed the present writ petition on 25.07.2022 challenging the same.

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4. Today, Mr.R.Vignesh, Taluk Deputy Sub Inspector, Natham and Mr.S.S.Uthirakumar, Sub Inspector of Survey, Natham, Dindigul District are present.

5. The learned counsel for the petitioner submitted that though the petitioner had filed this writ petition on 25.07.2022, he did appear before the District Revenue Officer on 28.07.2022 for enquiry. It is his contention that the District Revenue Officer, without giving proper opportunity to the petitioner to present his case, has closed the proceedings. On the contrary, the learned Government Pleader submitted that the petitioner did appear for enquiry, but was putting obstacles in the enquiry for prolonging the same, despite which, the District Revenue Officer has reserved the matter for passing appropriate orders.

6. As stated by us above, this Court had never issued a direction to the revenue authorities to give any opportunity of hearing to the petitioner. The dispute essentially in this case is whether there are



W.P.(MD)No.16456 of 2022

encroachments in the pathway leading to the hospital. In fact, this Court has placed on record its appreciation to Dr.N.Sheik Abdullah, Block Medical Officer, for his pro-activeness in the order dated 22.06.2022. Therefore, we find no merits in this writ petition and the same is dismissed. However, as directed by us in our earlier order, dated 22.06.2022, if any encroachments are found, it is needless to state that they have to be removed in accordance with law. No costs. Consequently connected Miscellaneous Petition is closed.

[P.N.P., J.] & [R.H., J.]
22.08.2022

Internet : Yes

RR

To

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W.P.(MD)No.16456 of 2022

P.N.PRAKASH, J
AND
R.HEMALATHA, J
RR

Order made in
W.P.(MD)No.16456 of 2022

22.08.2022