



W.P.(MD)No.15274 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2022

CORAM

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

W.P(MD)No.15274 of 2018

V.Palanivel

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Dindigul West Taluk,
Dindigul.

3.The Tahsildar,
Dindigul West Taluk,
Dindigul.

4.Kalimuthu

5.Palaniappan

6.Rasu

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India,
praying to issue a Writ of Mandamus, to direct the respondents No.
1 to 3 forthwith to remove the encroachment made by the



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respondents No.4 to 6 in the Odai in Survey No.452/1, Kothapulli Village, Dinidigul West Taluk, Dindigul District.

For Petitioner : Mr.R.Pon Karthikeyan
For Respondents 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader
For Respondents 4 & 5 : Mr.C.Jeganathan
for M/s. Veera Associates
For 6th Respondent : No appearance
* * *

ORDER

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

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents No.1 to 3 to remove the encroachment made by the respondents No.4 to 6 in the Odai in Survey No.452/1, Kothapulli Village, Dinidigul West Taluk, Dindigul District, forthwith.

2. Heard Mr.R.Pon Karthikeyan, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader appearing for respondents 1 to 3 and Mr.C.Jeganathan, learned counsel for respondents 4 and 5.



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3. Pointing out the encroachment made in the Odai in Survey No.452/1, Kothapulli Village, Dinidigul West Taluk, Dindigul District, by respondents 4 to 6 by putting superstructure and shed, the petitioner submitted a representation to the official respondents on 17.04.2017, followed by another representation on 11.06.2018 and the same, according to learned counsel for the petitioner, are unattended.

5. Considering the pendency of the representations made by the petitioner with the official respondents, without expressing any opinion on the merits of claim made by the petitioner either in the representations or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the third respondent to consider the representation of the petitioner dated 11.06.2018 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, respondents 4 to 6 and any others concerned, necessary action has to be taken by the authorities for removal of encroachment on the Odai in Survey No. 452/1, Kothapulli Village, Dinidigul West Taluk, Dindigul District, by



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following 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.]
15.09.2022

Internet : Yes / No

Index : Yes / No

sj

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Dindigul.
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O/o. Revenue Divisional Office,
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Dindigul.
- 3.The Tahsildar,
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sj

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