



W.P(MD) No.22969 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM:

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

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S.Manoharan

... Petitioner

-VS-

1. The District Collector,
Dindigul District, Dindigul.
2. The Superintendent of Police,
Dindigul District, Dindigul.
3. The Revenue Divisional Officer,
Dindigul District.
4. The Tahsildar,
Dindigul East Taluk, Dindigul,
Dindigul District.
5. The Block Development Officer,
Union Office, Dindigul East Union,
Dindigul, Dindigul District.
6. The Inspector of Police,
Vadamadurai Police Station, Vadamadurai,
Dindigul District.



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7. The Sub Inspector of Police,
Vadamadurai Police Station, Vadamadurai,
Dindigul District.

8. Krishnasamy

9. Vellaiyan

10. Andisamy

11. Paruppu @ Andisamy

12. Andisamy

13. Padikadu @ Andisamy

14. Sevuka Andi

15. Kannan

16. Anand @ Andisamy

17. Pon Azhagar

18. Chinna Nachan

19. Vignani @ Vellaisamy ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 7 to remove the illegal obstructions made by the respondents 8 to 19 in the public road from Kuppayur to Sengkurichi Village, Dindigul District and clear the public road for usage and take action against violators in accordance with law on the basis of the representation dated 05.09.2022.

For Petitioner : Mr.M.C.B.Ramalingam

For Respondents : Mr.P.Thilak Kumar,



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Government Pleader
for R1 to R5
Mr.T.Senthil Kumar
Additional Public Prosecutor
for R6 & R7
Mr.S.Karthik for R8 to R10
& for R12 to R14

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 7 to remove the illegal obstructions made by the respondents 8 to 19 in the public road from Kuppayur to Sengkurichi Village, Dindigul District and clean the said public road for usage and also to take action against violators in accordance with law, on the basis of the petitioner's representation dated 05.09.2022.

2. Today, when the matter was taken up for hearing, the learned Government Pleader appearing for the respondents 1 to 5, on instructions, submitted that the encroachments made in the aforesaid public road have already been removed and the debris which are left over therein is yet to be removed and therefore, he seeks eight weeks time to remove the same. He further submitted that the petitioner himself is an encroacher of a temple land and the authorities would inspect and survey



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the temple land and if any encroachment is found, appropriate action would be taken against the encroachers, including the petitioner, by following due process of law.

3. The said submission has been stoutly refuted by the learned counsel for the petitioner.

4. Considering the facts and circumstances of the case, this Writ Petition is disposed of directing the authorities concerned to conduct an inspection with regard to the alleged encroachment on the temple land and on inspection, if it is found that the petitioner has encroached upon the temple land, action should be taken by the authorities concerned to remove such encroachment after affording sufficient opportunity to the petitioner and all other parties concerned and by following due process of law. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
20.10.2022

Index : Yes / No
Internet : Yes / No
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