



W.P.(MD)No.22892 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2022

CORAM

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

W.P(MD)No.22892 of 2022
and W.M.P.(MD) Nos.17002 and 17003 of 2022

S.Masaniyathal

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.The President,
Kothaimangalam Village Panchayat,
Palani Taluk,
Dindigul District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned letter No.01/2022 Kothaimangalam Panchayat dated 26.09.2022 issued by the 3rd Respondent in connection with Survey No.506/23 at Kothaimangalam Village and another Impugned Letter No.01/2022 Kothaimangalam Panchayat dated 26.09.2022 issued by the 3rd respondent in connection with Survey No.506/34 at Kothaimangalam Village and quash the same



W.P.(MD)No.22892 of 2022

on the ground that the same is arbitrary, illegal and without any legal basis.

For Petitioner : Mr.S.Karthik
For Respondents 1 & 2 : Mr.V.Nirmal Kumar
Government Advocate
For 3rd Respondent : Mr.N.GA.Nataraj
Government Advocate

* * *

ORDER

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

The petitioner has come forward with this writ petition, challenging the two letters both in No.01/2022 Kothaimangalam Panchayat, dated 26.09.2022, issued by the 3rd respondent, in connection with Survey Nos.506/23 and 506/34 of Kothaimangalam Village.

2. Heard Mr.S.Karthik, learned counsel for the petitioner and Mr.V.Nirmal Kumar, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 2 and Mr.N.GA.Nataraj, learned Government Advocate, who accepts notice on behalf of the third respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



W.P.(MD)No.22892 of 2022

3. Alleging that the patta lands of the petitioner in the abovesaid survey numbers are also sought to be removed under the guise of removal of encroachment based on the impugned letters, the petitioner has filed this writ petition, contending that without conducting any enquiry, the third respondent issued the impugned letters without even mentioning the provision of law and the extent of encroachment and therefore, the same are liable to be set aside.

4. Learned Government Advocates appearing for the respondents in all fairness, submitted that after proper intimation to the petitioner, a fresh survey would be conducted in the presence of the petitioner to ascertain the extent of encroachment and only thereafter, the encroachments would be removed, by due process of law.

5. Recording the above submission of the learned Government Advocates appearing for the respondents, the impugned letters both in No.01/2022 Kothaimangalam Panchayat, dated 26.09.2022, issued by the 3rd respondent, are quashed and the respondents are directed to conduct a survey of the place in



W.P.(MD)No.22892 of 2022

question in the presence of the petitioner and after ascertaining the extent of encroachment, the same shall be removed by the authorities concerned, by due process of law. With the above directions, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]
29.09.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Palani Taluk,
Dindigul District.
- 3.The President,
Kothaimangalam Village Panchayat,
Palani Taluk,
Dindigul District.



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W.P.(MD)No.22892 of 2022

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and

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sj

W.P(MD)No.22892 of 2022

29.09.2022