



W.P.(MD) No.23165 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.23165 of 2022

and

W.M.P.(MD)No.17259 and 17261 of 2022

Balasubramanian

... Petitioner

-Vs-

- 1.The District Collector,
Office of the District Collector,
Dindigul District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kodaikanal, Dindigul District.

Page 1 of 8



W.P.(MD) No.23165 of 2022

WEB COURT

3.The Tahsildar,

Office of the Tahsildar,
Kodaikanal, Dindigul District.

4.The Assistant Executive Engineer,

Distribution / T.N.E.B.,
Kodaikanal, Dindigul District.

5.The Assistant Engineer,

T.N.E.B., Kodaikanal, Dindigul District.

6.Kumaresan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents for not to evict the petitioner from the petitioner's dwelling house and farming land situated in Survey No. 991/1, Boomparai Village, Kodaikanal Taluk, Dindigul District without following due process of law.

For Petitioner : Mr.R.Alagumani

For R1 to R3 : Mr.S.P.Maharajan,
Special Government Pleader

For R4 and R5 : Mr.S.Deenadhayalan,
Standing Counsel

Page 2 of 8



WEB COPY



W.P.(MD) No.23165 of 2022

ORDER

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

This Writ Petition has been filed seeking a direction to the respondents not to evict the petitioner from his dwelling house and farming land situated in Survey No.991/1, Boomparai Village, Kodaikanal Taluk, Dindigul District without following due process of law.

2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 to 3 and Mr.S.Deenadhayalan, learned Standing Counsel takes notice for the respondents 4 and 5. Having regard to the nature of the order proposed to be passed, notice to the 6th respondent is dispensed with.

3.By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4.According to the petitioner, the 6th respondent has purchased the property in Survey No.993/3 and filed W.P.(MD)No.16770 of 2017, seeking a direction to the respondents 1 and 2 to remove the encroachment in the pathway

Page 3 of 8



W.P.(MD) No.23165 of 2022

WEB COPY

comprised in Survey Nos.985, 988, 989, 969, 991/1, 993 situated at Boomparai Village, Kodaikanal Taluk, Dindigul District. By order dated 10.01.2018, the said Writ Petition was disposed of. Thereafter, the 6th respondent filed a Public Interest Litigation in W.P.(MD)No.19448 of 2022, seeking a direction to remove the encroachment made in Survey No.991/1, wherein this Court, by order dated 24.08.2022, without giving any opportunity, directed the third respondent to remove the encroachment made in S.No.991/1 within eight weeks. Pursuant to the said order of this Court, the 5th respondent has issued a notice dated 22.09.2022 to the petitioner mentioning that the 3rd respondent sent a communication to disconnect the electricity connection of the petitioner's property. According to the petitioner, the third respondent is attempting to evict the petitioner from his dwelling house. In this regard, the petitioner has made a representation dated 27.09.2022 to the respondents 1 to 3, but the same has not been considered. Hence, this Writ Petition.

5.This Court, by an order dated 24.08.2022, made in W.P.(MD)No. 19448 of 2022, has passed the following order:-

Page 4 of 8



W.P.(MD) No.23165 of 2022

WEB COPY

“4.On instructions, the learned Special Government Pleader submitted that the revenue authorities issued notice and removed the encroachments that were made by S.P.Veluchamy and now it appears that he has again encroached into S.No.991/1. He also sought eight weeks time to remove the encroachments.

5.Recording the same, we direct the third respondent to remove the encroachments in S.No.991/1, if there are any, within eight weeks from the date of receipt of a copy of this order.”

6.Today, when the matter was taken up for hearing, the learned Standing Counsel for the respondents 4 and 5 fairly submitted that pursuant to the order of this Court dated 24.08.2022, the authorities are now taking action to remove the encroachment in S.No.991/1 and he also submitted that opportunity by notice and hearing would be given to all the persons before taking any action for removal of encroachment in S.No.991/1.

7.Recording the aforesaid submission, this Writ Petition is disposed of with a direction to the 3rd respondent to remove the encroachment, after issuing notice as well as affording opportunity of hearing to the encroachers and by due



W.P.(MD) No.23165 of 2022

process of law. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] & [J.S.N.P., J.]
30.09.2022

Index : Yes / No

Internet : Yes / No

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- 3.The Tahsildar,
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Page 6 of 8



W.P.(MD) No.23165 of 2022

WEB COPY

4.The Assistant Executive Engineer,
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WEB COPY



W.P.(MD) No.23165 of 2022

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W.P.(MD)No.23165 of 2022

30.09.2022

Page 8 of 8