



W.P(MD) No.16259 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

CORAM:

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

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P.Thangaraj

... Petitioner

-VS-

1. The District Collector,
Dindigul District, Dindigul.

2. The Tahsildar,
Ootanchatram Taluk, Dindigul District.

3. The Block Development Officer,
Ootanchatram Taluk, Dindigul District.

4. The Divisional Engineer
(HighWays Department),
Tamil Nadu Road Development Scheme II,
D.No.416, 4th Floor,
O/o Collectorate, Tiruppur.

5. The Executive Engineer,
Highways Department, Ootanchatram Taluk,
Dindigul District.

6. S.Jeyapalan

... Respondents



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PRAAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 5 to take action for removal of encroachments made in Survey No.85/Highways poramboke of Ambiligai Village of Oddanchatram Taluk, Dindigul District and consequently to direct the S.C. & S.T. people of Ambiligai Village to use Survey No.91/5 of Ambiligai Village for cremation of dead bodies of their community on the basis of the representations sent by the petitioner to them dated 05.07.2018 and 09.07.2018.

For Petitioner : Mr.V.K.Vijayaragavan

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader
for R1 to R5
No appearance for R6

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 1 to 5 to take action for removal of encroachments made in Survey No.85, Highways poramboke of Ambiligai Village of Oddanchatram Taluk, Dindigul District, by considering his representations dated 05.07.2018 and 09.07.2018.



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2. Heard Mr.V.K.Vijayaragavan, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Government Pleader appearing for the respondents 1 to 5.

3. Claiming that when the Government has set apart a cremation ground in Survey No.91/5, a particular community people are burying the dead bodies in Survey No.85, which has been classified as Highway road poramboke and situated in front of the petitioner's sawmill in Survey No. 81 of Ambiligai Village of Oddanchatram Taluk, Dindigul District, thereby causing disturbance to the petitioner's business, the petitioner made representations to the official respondents on 05.07.2018 and 09.07.2018 and the same, according to the learned counsel for the petitioner, remain as such.

4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied if a direction is issued to the respondents 1 to 5 to consider and dispose of his representation dated 09.07.2018, in accordance with law, within a time frame.



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5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the respondents 1 to 5 to consider the representation of the petitioner dated 09.07.2018 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 and all other parties concerned, respondents 1 to 5 are directed to take necessary action for removal of encroachments in the place in question, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
16.11.2022

Index : Yes / No
Internet : Yes / No
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