



W.P.(MD) No.23912 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2022

CORAM:

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

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R.Perumal

... Petitioner

-vs-

- 1.The District Collector
O/o.The District Collector
Dindigul District
- 2.The Revenue Divisional Officer
O/o.The Revenue Divisional Office
Dindigul District
- 3.The Tahsildar
O/o.The Tahsildar
Gujilamparai Taluk
Dindigul District
- 4.The Block Development Officer
O/o.The Block Development Officer
Vedasandur, Dindigul District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to remove the encroachment



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made in the public pathway in Survey No.902 at Pannaikulam Village, Gujilamparai Taluk, Dindigul District, by considering the petitioner's representation dated 27.09.2022.

For Petitioner : Mr.Rajaselvan.R.

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3
Mr.V.Nirmal Kumar
Government Advocate for R4

ORDER

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

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 to 3 and Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the fourth respondent.

2. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents to remove the encroachment made in the public pathway in Survey No.902 of Pannaikulam Village, Gujilamparai



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Taluk, Dindigul District, by considering the petitioner's representation dated 27.09.2022.

4. The learned Special Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the subject land is classified as a Government poramboke land in the revenue records and even the petitioner has also made encroachment in the subject land.

5. The learned counsel for the petitioner has stoutly refuted the above submission of the learned Special Government Pleader stating that the petitioner has not made any such encroachment.

6. In view of the above, without going into the merits of the claim made by the petitioner, the authority concerned is directed to consider the petitioner's representation dated 27.09.2022 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment in the subject land as pointed out by the petitioner, the same shall be removed, after giving due notice to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order. Needless to state, the authority concerned, while doing such exercise,



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shall also find out as to whether the petitioner has also made any encroachment in the place in question and if so, the same also shall be removed, as stated above.

7. With the above direction, this writ petition is disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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