



W.P.(MD)No.25614 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM

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

W.P(MD)No.25614 of 2022

J.Rao Birenderasingh

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Dindigul East Taluk,
Dindigul District.
- 3.The Block Development Officer,
(Village Panchayat),
Dindigul Panchayat Union,
Dindigul District.
- 4.The President,
A.Vellodu Village Panchayat,
Dindigul District.
- 5.Annammal
- 6.Amutha
- 7.Lakshmi
- 8.Rayar



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9. Thaialammal

10. Veeramani

11. Viswanathan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents No. 1 to 4 herein to remove the encroachment made in the street in Survey No.871/1 and Survey No.421 situated at West Street, A.Vellodu Village, Dindigul East Taluk, Dindigul District as per the proceedings of the 2nd respondent in Na.Ka.No.1349/2020/A3 dated 04.11.2020.

For Petitioner : Mr.J.Lawrance

For Respondents 1 to 4 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

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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 4 to remove the encroachment made in the street in Survey Nos. 871/1 and 421 situated at West Street, A.Vellodu Village, Dindigul East Taluk, Dindigul District, as per the proceedings of the 2nd respondent in Na.Ka.No.1349/2020/A3 dated 04.11.2020.



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2. Heard Mr.J.Lawrance, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 5 to 11 is dispensed with.

4. Alleging that the respondents 5 to 11, who are residents of West Street, A.Vellodu Village, have encroached sizeable extent of the street in Survey Nos.871/1 and 421, situated at West Street, A.Vellodu Village, Dindigul East Taluk, Dindigul District, thereby causing hindrances and difficulties to the residents of the said locality, and inspite of the communication of the second respondent in Na.Ka.No.1349/2020/A3, dated 04.11.2020, to the third respondent to fix the date for removing the encroachment, no further action has been taken, the petitioner submitted a representation to the official respondents on 21.09.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.



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5. 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 2 and 3 to dispose of his representation dated 21.09.2022, within a time frame.

6. 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 2 and 3 to consider the representation of the petitioner dated 21.09.2022, 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, the respondents 5 to 11 and any other parties concerned, the authorities concerned shall take necessary action for removal of the encroachment in the street situated at Survey Nos.871/1 and 421, West Street, A.Vellodu Village, Dindigul East Taluk, Dindigul District, after affording an opportunity of hearing to all the parties concerned and by following due process of



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law. Such an 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.]
11.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
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and

J.SATHYA NARAYANA PRASAD, J.

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