



W.P.(MD)No.27081 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

CORAM

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

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Mailsamy

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Dindigul District.

2.The Block Development Officer,
Vedasandhur Taluk,
Dindigul District.

3.The Tahsildar,
Office of the Tahsildar,
Vedasandhur Taluk,
Dindigul District.

4.Perumal Gounder

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to remove the illegal encroachments made by the 4th respondent in Survey No.628 of Viralipatti, Palapatti Village, Alagapuri, Vedasandhur Taluk, Dindigul District on the basis of the petitioner representation dated 20.09.2021 and 31.12.2021 within the time stipulated by this Hon'ble Court.



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For Petitioner : Mr.R.Mohamed Riyaz

For Respondents 1 to 3 : Mr.P.Thilak Kumar
Government Pleader

* * *

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 3 herein to remove the encroachments made by the 4th respondent in Survey No.628 of Viralipatti, Palapatti Village, Alagapuri, Vedasandhur Taluk, Dindigul District, on the basis of his representations dated 20.09.2021 and 31.12.2021, within a time frame.

2. Heard Mr.R.Mohamed Riyaz, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 3. 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 4th respondent is dispensed with.



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4. Alleging that the 4th respondent has made encroachment in the Government Poramboke Odai in Survey No. 628 of Viralipatti, Palapatti Village, Alagapuri, Veda sandhur Taluk, Dindigul District, and planted coconut trees in large numbers and thereby, preventing the villagers from reaching the burial ground, the petitioner submitted a representation to the official respondents on 20.09.2021, followed by another representation dated 31.12.2021, and the same, according to the learned counsel for the petitioner, remain as such. Hence, the Writ Petition.

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 3rd respondent to dispose of his representations dated 20.09.2021 and 31.12.2021, 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 3rd



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respondent to consider the representations of the petitioner dated 20.09.2021 and 31.12.2021, 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 4th respondent and any other parties concerned, the authorities shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties and by following due process of 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.]
30.11.2022

Internet : Yes / No

Index : Yes / No

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To

- 1.The District Collector,
Office of the District Collector,
Dindigul District.
- 2.The Block Development Officer,
Vedasandhur Taluk,
Dindigul District.



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3.The Tahsildar,
Office of the Tahsildar,
Vedasandhur Taluk,
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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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