



W.P(MD)No.22870 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.22870 of 2017

C.Chellaiah

... Petitioner

Vs

1.The District Collector,
Dindigul District.

2.The Special Tahsildar,
Adi Dravidar Welfare Department,
Office of the Special Tahsildar,
Palani, Dindigul District.

3.Arumugam

4.Prabakaran

5.Arumugam

6.Rajkumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondents 1 and 2 herein to remove the encroachment made by the respondents 3 to 6 in S.Nos.223/6, 225/4 and 225/3 at Thiruvalluvar Nagar, Naagaiya Kottai Village, Vedasanthur Taluk, Dindigul District by considering the petitioner's representations dated 03.07.2017 and 16.08.2017.

For Petitioner : Mr.M.Gnanagurunathan
For R1 and R2 : Mr.N.Satheeshkumar
Additional Government Pleader
For R4 & R6 : Mr.Sankar

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition has been filed for issuance of a writ of Mandamus, to direct the respondents 1 and 2 herein to remove the encroachment made by the respondents 3 to 6 in S.Nos.223/6, 225/4 and 225/3 at Thiruvalluvar Nagar, Naagaiya Kottai Village, Vedasanthur Taluk, Dindigul District.



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2. The case of the petitioner is that the private respondents have encroached the vacant land earmarked for road facilities and for public purposes. Stating that the lands encroached by the private respondents are required for future extension, it is contended that a small temple has been constructed by name Siddhi Vinayagar Temple by encroaching a public land.

3. Even in the affidavit filed in support of this petition, the petitioner has admitted that the land is acquired for the purpose of Adi Dravidar Community for their welfare and that the land should be used only for Adi Dravidar Community people.

4. The learned Additional Government Pleader, on instructions, submitted that the alleged encroachment is by Adi Dravidar Community people for the construction of temple and that the said temple is in existence for more than 100 years. It is further stated that there is no obstruction to public by the existence of temple.

5. The inspection report of the Revenue Officials clearly indicates that the petitioner has come forward with distorted facts and hence, this



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Court does not find any merit in the writ petition. Accordingly, this Writ Petition is dismissed. However, the respondents are directed to ensure that there is no obstruction in public road. It is open to the petitioner to file a civil suit to establish that the temple has been constructed recently and petitioner is deprived of his right to use the public road. The Civil Court shall consider the merits of the claim, incase the petitioner approaches the civil Court, uninfluenced by any of the observation of this Court in this order. No costs.

(S.S.S.R., J.) & (S.S.Y., J.)

25.08.2022

Index : Yes / No
Internet : Yes / No
cp

To

- 1.The District Collector,
Dindigul District.
- 2.The Special Tahsildar,
Adi Dravidar Welfare Department,
Office of the Special Tahsildar,
Palani, Dindigul District.



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S.S.SUNDAR, J.

AND

S.SRIMATHY, J.

cp

ORDER MADE IN

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