



W.P.(MD)No.8242 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8242 of 2023
and
W.M.P.(MD)No.7592 of 2023

V.Tharmaseelan

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Dindigul,
Dindigul District.

3.The Tahsildar,
Taluk Office,
Nilakottai Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to produce the Total sketch of the Stream (Odai) alleged to have its origination comprised in Survey No.222,



W.P.(MD)No.8242 of 2023

Perumal Malai Foot Hills, situated at Patchaimalaiyankottai Revenue Village duly marking the Survey Numbers through which the stream pass through, particularly in Survey Nos.204/1, 205/1 and 206/7 and finally reaches the water body.

For Petitioner :Mr.R.Murugan

For Respondents :Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner wants this Court to engage in a roving exercise. It is seen that one Pandikumari filed W.P.(MD)No.24101 of 2022 alleging that the authorities must remove the encroachments committed by the writ petitioner herein. The said writ petition was disposed of on 19.10.2022 in the following terms:-

“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 3 to consider the representation of the petitioner dated 30.09.2022 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 and all other parties concerned, respondents 1 to 3 are directed to take necessary action for removal of encroachments in the aforesaid watercourse, after affording an opportunity of personal hearing to all the parties concerned and by following due process of law.



W.P.(MD)No.8242 of 2023

Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.”

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3. Pursuant to the said direction given by the Hon'ble Division Bench, the authorities have issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. It is for the petitioner to establish that he had not committed any encroachment in the said enquiry. Instead of doing so, the petitioner has filed this writ petition more as a counter blast. We are not inclined to entertain the writ petition.

4. Leaving open all the defences of the writ petitioner, the writ petition is dismissed. No costs.

[G.R.S., J.] [B.P., J.]
12.04.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

1.The District Collector,
Dindigul District,
Dindigul.



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W.P.(MD)No.8242 of 2023

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Dindigul,
Dindigul District.

3.The Tahsildar,
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W.P(MD)No.8242 of 2023

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