



W.P(MD)No.12230 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.12230 of 2022
and
W.M.P(MD)No.8694 of 2022**

N.Jeyaprakash

... Petitioner

VS.

1.The District Collector,
Dindigul District.

2.The Tahsildar,
Aathur,
Dindigul District.

3.The Block Development Officer,
Aathur, Dindigul District.

4.The President,
Gandhigramam Panchayat,
Dindigul.

5.Thangamuniammal

6.P.Pitchaipandi

... Respondents

(R – 6 is impleaded vide order dated 20.01.2023
made in W.M.P(MD)No.20818 of 2022)



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachments in Survey No.95/1, Velliyangiri Odai, Gandhigramam Village and restoring to its original position by considering the representation of the petitioner dated 08.04.2022.

For Petitioner	: Mr.G.Prabhu Rajadurai
For RR 1 & 2	: Mr.M.Sarangan Additional Government Pleader
For RR 3 & 4	: Mr.A.K.Manikkam Special Government Pleader
For R – 5	: Mr.A.Mohan
For R – 6	: Mr.Sarvagam Prabhu

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to remove the encroachments in Survey No.95/1, Velliyangiri Odai, Gandhigramam Village and restoring to its original position by considering the representation of the petitioner dated 08.04.2022.



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2. Today, when the matter was taken up for hearing, the learned counsel appearing for all the parties submitted that the subject matter of the property in Survey No.95/1, Velliyangiri Odai, Gandhigramam Village has to be surveyed by the Taluk Surveyor and if there is any encroachment in the said property, action shall be taken by the authority concerned by following the procedure as contemplated under the Act.

3. In view of the abovesaid submissions, we direct the third respondent to survey the property in question in the presence of the petitioner and the respondents 5 and 6 and others by issuing notice to them and they have to co-operate on the date on which the survey has to be conducted by the third respondent. If there is any encroachment, the respondents 2 and 3 shall remove the same, after affording sufficient opportunity to all the parties concerned 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.



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4. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
20.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
Dindigul District.
- 2.The Tahsildar,
Aathur,
Dindigul District.
- 3.The Block Development Officer,
Aathur, Dindigul District.
- 4.The President,
Gandhigramam Panchayat,
Dindigul.

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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.12230 of 2022

DATED : 20.01.2023