



W.P.(MD) No.15877 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD) No.15877 of 2023

Tamilselvan

... Petitioner

-vs-

- 1.The District Collector
Dindigul District
Dindigul
- 2.The District Revenue Officer
Dindigul District
Dindigul
- 3.The Revenue Divisional Officer
Dindigul District
Dindigul
- 4.The Thasildhar
Athur Taluk
Dindigul District
- 5.The Block Development Officer
Athur Taluk
Dindigul



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6.The Head Surveyer
Athur Thaluk
Dindigul

7.The President
Munnialakottai Panchayath
Dindigul

8.The Village Administrative Officer
Munnialakottai Panchayath
Dindigul

9.Ramasamy

10.Alagarsamy

11.Subramani

12.Balamurugan

13.Mayanperumal

14.Murugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 8 to remove the encroachment made by the respondents 9 to 14 in Survey Nos.484, 485 and 496, common pathway (Vandipathai) in Pannaipatti Village, Munnialakottai Panchayath, Athur Taluk, Dindigul District and restore the Vandipathai, within the period stipulated by this Court.



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For Petitioner : Mr.P.Manikandan

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 to R4
Mr.V.Nirmal Kumar
Government Advocate for R5 & R7

ORDER

[Order of the Court was made by S.VAIDYANATHAN, J.]

Mr.J.Ashok, learned Additional Government Pleader, takes notice for the respondents 1 to 4 and Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the respondents 5 & 7.

2. In view of the nature of the orders proposed to be passed, notice to the other respondents is dispensed with.

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. Learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that as per the revenue records, the survey numbers mentioned in the prayer are classified as “Cart



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Track” and “Odai” and to that effect, he has also produced a copy of the communication, dated 02.07.2023, sent by the Tahsildar, Athur Taluk, wherein the Tahsildar has also sought for sufficient time to remove the encroachment.

5. If the private respondents have encroached upon the water body, the Block Development Officer, Athur Taluk, Dindigul District, shall take necessary steps to remove the same, within a period of three months from the date of receipt of a copy of this order, after affording an opportunity of hearing to the private respondents. It is made clear that if there is any encroachment made, no indulgence shall be shown. The officials shall follow the dictums of this Court **(S.K.Kaul,C.J., and R.Mahadevan,J.)** in **Contempt Petition No. 1769 of 2015 and Contempt Petition No.2166 of 2015 (Suo motu)** and in **W.P. No. 28143 of 2021 dated 27.01.2022 (S.Vaidyanathan,J and D. Bharatha Chakravarthy,J.)** in its letter and spirit. If the officials fail to remove the encroachment, disciplinary action shall be initiated and punishment for major misconduct shall be entered in the service records that will deprive them of further chances of promotion.



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6. The writ petition is disposed of with the above directions. No costs.

[S.V.N., J.]

[D.B.C., J.]

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

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To:

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The District Revenue Officer,
Dindigul District, Dindigul.
- 3.The Revenue Divisional Officer,
Dindigul District, Dindigul.
- 4.The Thasildhar,
Athur Taluk,
Dindigul District.
- 5.The Block Development Officer,
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- 6.The President,
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