



W.P.(MD)No.8932 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF
JUSTICE**

and

THE HONOURABLE Mrs.JUSTICE L.VICTORIA GOWRI

W.P.(MD) No.8932 of 2018

R.Saravanan,,

... Petitioner

Vs

1. The District Collector,
Theni,
Theni District..

2. The District Forest Officer,,
Kodaikanal,
Dindigul District..

3. The Revenue Divisional Officer,
Periyakulam, Theni District..

4. The Tahsildar,,
Periyakulam,
Theni District..



W.P.(MD)No.8932 of 2018

WEB COPY

5. The Forest Range Officer,,
Devathanapatti Forest Range,
Kodaikanal Division,
Dindigul Region,
Devathanapatti,
Theni District..

6. The Inspector of Police,,
Vadakarai Police Station,
Periyakulam,
Theni District..

7. Ayyar,,
S/o.Karuppanan,
Pattapuli Street,
Keezha Vadakarai,
Periyakulam Taluk,
Theni District..

8. Muthukrishnan,,
S/o.Ayyar,
Pattapuli Street,
Keezha
Vadakarai,
Periyakulam Taluk,
Theni District..

9. Mokkal,,
S/o.Poochan, Saruthupatti,
Periyakulam Taluk,
Theni District ..

... Respondents



W.P.(MD)No.8932 of 2018

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 6 herein to remove the encroachment made by the respondents 7 to 9 herein on Vandipathai in Adukkampathai and Pulikoodu, Devathanapatti Range (Forest Range), Kodaikanal Division, Dindigul District and consequently restore the Vandipathai for free access to villagers.

For Petitioner : Mr.C.Christopher

For Respondent: Mr.T.Amjad Khan for R1 to R5

Government Advocate

Mr.T.Senthilkumar for R6

Additional Public Prosecutor

Mr.V.Janakiramulu for R7 to R9

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 to 5, learned Additional Public Prosecutor for the respondent No.6 and the learned counsel for the respondents 7 to 9.



W.P.(MD)No.8932 of 2018

WEB COPY

2. The petition is bereft of the basic and necessary details. Even the survey number where the said pathway exists is not detailed.

3. The affidavit is filed by the second respondent to suggest that the Vandi Pathai which starts from the main road ends at S.No.1364/1 and there was an encroachment to the extent of 0.88.00 Hectares. The board on the site mentions about the pendency of the suit bearing O.S.No.18 of 2016 and 20 of 2016. One Thiru.A.Subramani and others are found possessing Government poramboke land to an extent of 8.48.5 hectares in S.No.661. The same is adjacent to S.No.1364/1. The other details are given in the affidavit that the land is possessed by the relatives of the respondents 7 to 9. It is further stated in the petition that the petitioner has concealed the material facts to gain access illegally to S.No.661 in the name of villagers through S.No.1364/1.



W.P.(MD)No.8932 of 2018

The affidavit further states that barbed wire fencing, which was put up in the disputed encroached land by the respondents 7 to 9, were removed by forest officials based on the complaints.



W.P.(MD)No.8932 of 2018

WEB COPY

4. In view of the above, no further orders at present are necessary. The writ petition stands disposed of accordingly. However, there is no order as to costs.

[S.V.G., .C.J.]

[L.V.G., J.]

01.12.2023

Index : Yes / No
Neutral Citation : Yes / No

RR



W.P.(MD)No.8932 of 2018

WEB COPY

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WEB COPY



W.P.(MD)No.8932 of 2018

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