



W.P.(MD)Nos.20161 to 20163 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.08.2023

CORAM

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

W.P(MD)Nos.20161 to 20163 of 2017
and
W.M.P.(MD)Nos.16438 to 16443 of 2017

K.Mukkan	... Petitioner in W.P.(MD)No.20161 of 2017
P.Palanichami	... Petitioner in W.P.(MD)No.20162 of 2017
Maruthayee	... Petitioner in W.P.(MD)No.20163 of 2017

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Palani Taluk,
Dindigul District.
- 3.The Tahsildar,
Vedasandur Taluk,
Vedasandur,
Dindigul District.
- 4.The Block Development Officer
cum Executive Officer,



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Kujiliyamparai Panchayat Union,
Vedasandur Taluk,
Dindigul District.

... Respondents in both W.Ps.

Common Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order made by the 4th respondent in his proceedings in Na.Ka.No. 1088/2017/D3 dated 19.10.2017 and quash the same as illegal.

For Petitioner :Ms.H.Jasima Yasmin
for M/s.Ajmal Associates

For Respondents :Mr.M.Siddharthan
Additional Government Pleader

COMMON ORDER

Heard the learned counsel on either side.

2. The 4th respondent had issued the impugned proceedings informing the petitioners that the construction put up by them in the petition mentioned survey numbers constituted encroachments and that they would be removed.

3. The stand of the petitioners is that Survey No.138/2, Vedapatti Village has been classified as 'grama natham' and that therefore, it is not open to the fourth respondent to issue any proceedings in respect of the said survey number. They would further argue that constructions have been put up only in Survey No.138/2. The stand of the respondents appears to be that constructions



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have been put up in both survey Nos.138/2 and 133/1. It is beyond dispute that

Survey No.133/1 has been classified as 'odai' (water body). According to the petitioners, no survey was done in their presence.

4. We dispose of the writ petitions with the following directions:-

(I) The third respondent is directed to conduct proper survey after issuing notice to the petitioners herein.

(II) Survey No.133/1 and Survey No.138/2 shall be demarcated. If the constructions have been put by the petitioners in Survey No.138/2, it shall be spared. If the construction has been come up on Survey No.133/1, then, it will have to be demolished.

(III) The respondents are directed to adhere to due process of law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. The impugned proceedings will abide by the outcome of the aforesaid survey exercise.

No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
08.08.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

rmi

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Palani Taluk,
Dindigul District.
- 3.The Tahsildar,
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