



W.P.(MD).No.30329 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.30329 of 2023
and
W.M.P.(MD).Nos.26121 and 26122 of 2023

Alphonse

.. Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by the District Collector,
Dindigul District,
Dindigul.
- 2.The Special Commissioner,
Commissioner of Land Administration,
Chepauk,
Chennai - 5.
- 3.The Assistant Divisional Engineer,
Highways Department,
Kodaikanal,
Dindigul District,



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4.The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

5.The Tahsildar,
Kodaikanal,
Dindigul District,

6.The Town Surveyor,
Kodaikanal Municipal Corporation,
Dindigul.

7.M/s.Hotel Mayfiled (P) Ltd.,
Through its Managing Director,
R.M.S.Ramasamy.

8.The Village Administrative Officer,
Kodaikanal,
Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 5th respondent in Na.Ka.No. 4133/2023/S dated 10.11.2023 and quash the same insofar as petitioner concerned as illegal and consequently direct the 5th respondent to re-survey the TS.No.18, 33 Ward No.D, Block No.21, Srinivasapuram, Kodaikanal Taluk, Dindigul District, as per the old year survey register maintained by Revenue Department.



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For Petitioner : Mr.P.M.Vishnu Varthanan
For R-1 to R-3, : Mr.N.Satheeshkumar
R-5 & R-8 Additional Government Pleader
For R-4 & R-6 : Mr.T.S.Mohamed Mohideen

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The inter-departmental communication between the Tahsildar, Kodaikanal, Dindigul District and the Divisional Engineer, Highways Department, Dindigul and the Municipal Commissioner, Kodaikanal in proceedings dated 10.11.2023 is sought to be quashed in the present Writ Petition.

2. The learned counsel for the petitioner mainly contended that the survey report itself is defective, since the petitioner is in possession of documents to establish that the subject property is a patta land.

3. The learned counsel appearing on behalf of the respondents 4 and 6 submitted the copy of the show cause notice issued to the writ petitioner in



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proceedings dated 14.12.2023 under Section 128 of the Tamil Nadu Urban and Local Bodies Act, 1998.

4. The inter-departmental communication between the Tahsildar and the Highways Department would not provide any cause to the writ petitioner to move a Writ Petition. Subsequently, a show cause notice has been issued by the Commissioner, Kodaikanal Municipality. Thus, the petitioner is at liberty to submit her objections/explanation along with the documents, if any, to the competent authority for consideration. If necessary, the relevant revenue records and the registers may also be looked into for the purpose of forming final opinion regarding the alleged encroachment of public land by the petitioner. After examining all these aspects, the authorities may proceed further to remove the encroachments.

5. In view of the above, the writ petitioner is granted 10 days' time to file her objection/explanation along with the documents, if any, to the competent authority and on receipt of the same, the respondents are directed to complete the entire process and take a final decision to proceed with the



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removal of encroachments within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (V.L.N.,J.)
19.12.2023

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

To

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- 4.The Commissioner,
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Kodaikanal,
Dindigul District.
- 5.The Tahsildar,
Kodaikanal,
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- 6.The Town Surveyor,
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S.M.SUBRAMANIAM,J.
and
V.LAKSHMINARAYANAN,J.

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