



WEB COPY



W.P.(MD)No.1249 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1249 of 2024

T.Rengasamy

: Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani,
Dindigul District.

3.The Tahsildar,
Kujiliyamparai Taluk,
Dindigul District.

4.Vijayakumar

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 29.03.2023 and to remove the encroachment of the fourth respondent made in



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S.F.No.52/5 of Sinnaluppai Village, Kujiliamparai Taluk, Dindigul District.

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For Petitioner : Mr.N.Ananda Kumar

For Respondents 1 to 3 : Mr.T.Amjad Khan

Government Advocate

For Respondent No.4 : Ms.A.Banumathi

O R D E R

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed seeking for a direction to the respondents 1 to 3 to consider the petitioner's representation dated 29.03.2023 and to remove the encroachment of the fourth respondent made in S.F.No.52/5 of Sinnaluppai Village, Kujiliamparai Taluk, Dindigul District.

2.Heard Mr.N.Ananda Kumar, learned Counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate for the respondent 1 to 3 and Ms.A.Banumathi, learned Counsel for the fourth respondent.

3.Earlier, the fourth respondent herein has filed a writ petition in W.P.(MD)No.14267 of 2021 before this Court, contending that the sixth respondent therein is owning several properties in the said village and therefore, she is not eligible for assignment of



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a land. This Court, by order dated 13.08.2021, disposed of the said writ petition by directing the third and fourth respondents to consider the representation of the petitioner therein dated 12.04.2021 and to dispose of the same by providing opportunity to the petitioner, sixth respondent and any other person concerned.

4.Based on the aforesaid direction, the sixth respondent was evicted from the property in question. According to the petitioner, the land in Survey No.52/5 of Sinnuluppai Village is classified as Government land ie., Tharisu and the fourth respondent has encroached upon the said property. Therefore, the petitioner has preferred the present Writ Petition.

5.The learned Counsel for the fourth respondent produced Patta No.2757 which stands in the name of the fourth respondent for the land in survey No.51/2A, which is classified as a private land. According to the fourth respondent, he is concerned only with the property in Survey No.51/2A and he is not claiming any right over the Government land in Survey No.52/5. The said statement of the fourth respondent is recorded.

6.In such circumstances, if there is any encroachment made in the property in Survey No.52/5, the respondents are



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directed to take action for removal of the same by following due process of law. The said exercise shall be completed within a period of twelve [12] weeks from the date of receipt of a copy of this order, only after conducting survey.

7. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

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

05.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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and

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MR

ORDER MADE IN

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