



W.P.(MD) No.2443 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2443 of 2024

K.Palanichamy

... Petitioner

-Vs-

1.The District Collector,
Dindigul District,
Dindigul.

2.The Assistant Director of Town Panchayat,
Collectorate Complex, Dindigul.

3.The Executive Officer,
Vedasandur Town Panchayat Office,
Vedasandur,
Dindigul District.

4.Arun

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take appropriate action on the petitioner's representation dated 31.10.2023 regarding the encroachment made by the fourth respondent in the petitioner's patta land in S.Nos.1933/2 & 1933/4 of Vedasandur Village, Vedasandur Taluk, Dindigul District and in the Public

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Street in the same survey number after necessary verification and enquiries within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For R1 to R3 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

This writ petition was filed to direct the respondents to take appropriate action on the petitioner's representation dated 31.10.2023 regarding the encroachment made by the fourth respondent in the petitioner's patta land in S.Nos.1933/2 & 1933/4 of Vendasandur Village, Vendasandur Taluk, Dindigul District and in the Public Street in the same survey number after necessary verification and enquiries within a specified time frame that may be fixed by this Court.

2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 to 3. Considering the nature of order going to be passed, notice to the fourth respondent is dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

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3. With the grievance that the representation of the petitioner dated 31.10.2023 for removal of encroachment in his patta land as well as in the public street in the petition mentioned property has not been considered so far, the petitioner has approached this Court by way of this writ petition.

4. The learned Special Government Pleader appearing on behalf of the official respondents submitted that the petitioner seeks to remove encroachments in his patta land also. The official respondents cannot initiate action to remove the encroachment made in the patta land. If any encroachments are made in the public property, the official respondents can initiate action to remove the same and the representation of the petitioner with regard to such encroachment will be duly considered and necessary action will be taken to remove the encroachment.

5. Admittedly, the official respondents are not empowered to remove the encroachment made in the patta/private land. Hence, the petitioner has to approach the appropriate forum for removal such encroachment made in his patta land.



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6.Insofar as the relief sought by the petitioner with regard to the public street is concerned, we direct the third respondent to consider the representation of the petitioner dated 31.10.2023 on its own merits and in accordance with law and pass appropriate orders, after providing opportunities to the parties concerned within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7.With the above direction, this writ petition is disposed of. No costs.

[D.K.K., J.] & [R.V., J.]
07.02.2024

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

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Dindigul District, Dindigul.
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