



W.P(MD)No.3382 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition(MD)No.3382 of 2024

and

W.M.P(MD)No.3350 of 2024

Asai Thambi

... Petitioner

-Vs-

- 1.The District Collector,
Office of the District Collector,
Dindigul.
- 2.The Tahsildar,
Office of the Athoor Taluk Office,
Athoor,
Dindigul District.
- 3.The Revenue Inspector,
Office of the Ambathurai Taluk Office,
Ambathurai,
Athoor Taluk,
Dindigul District.
- 4.The Head Surveyor,
Ambathurai Head Survey Office,
Taluk Office Complex,
Ambathurai,
Athoor,
Dindigul District.



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5.The Village Administrative Officer,
Office of the Village Administrative Office,
Ambathurai,
Athoor Taluk,
Dindigul District.

6.The Village President,
Ambathurai,
Athoor Taluk,
Dindigul District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to forbear the respondents herein from in any manner demolishing the petitioner's property comprised in S.Nos.792/14 and 793/1 having patta No.1060 and Patta No. 952 situated at Murugampatti, Ambathrai Panchayat, Athoor Taluk, Dindigul District except under due process of law by considering the petitioner's representation dated 05.02.2024.

For Petitioner	: Mr.S.Paul Murugesh
For Respondents	: Mr.D.Gandhi Raj Spl. Govt. Pleader for R1 to R5
	Mr.D.S.Nedunchezian Govt. Advocate for R6



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ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus to forbear the respondents herein from in any manner to demolish the petitioner's property comprised in S.Nos.792/14 and 793/1 having patta No. 1060 and Patta No.952 situated at Murugampatti, Ambathrai Panchayat, Athoor Taluk, Dindigul District except under due process of law by considering the petitioner's representation, dated 05.02.2024.

2. Mr.D.Gandhi Raj, learned Special Government Pleader takes notice for the respondents 1 to 5 and Mr.D.S.Nedunchezian, learned Government Advocate takes notice for the sixth respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner is having properties in the subject matter survey numbers. The fourth respondent/Tahsildar has issued patta on 28.07.1991 after conducting proper survey and the same is in force and he is paying the property tax to the authorities from 1994 without any interruptions. While so, the respondents 2 to 6, without giving any notice, have been taking measurement by stating that the petitioner has constructed his house in the



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encroached area and hence, they would demolish the half portion of the said house. Hence, the petitioner has sent a detailed representation dated 05.02.2024. Since the said representation has not been considered so far, he has filed the present writ petition seeking the above said relief.

4. The learned counsel for the petitioner would submit that the proposed decision of the respondents 2 to 6 to demolish the petitioner's half constructed property, is only as a matter of personal wreck vengeance and political motive. He would further submit that it would suffice if the representation of the petitioner dated 05.02.2024 is disposed of by the respondents, on merits and in accordance with law within the time stipulated by this Court. However, he seeks an order of *status quo* till the disposal of the said representation.

5. The learned Special Government Pleader appearing for the respondents 1 to 5 would submit that the representation of the petitioner will be considered in accordance with law.

6. In view of the above, without going into the merits of the claim



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made by the petitioner in this Writ Petition, the respondents are directed to consider the representation of the petitioner dated 05.02.2024 and pass appropriate orders on the same on merits and in accordance with law, after giving notice to the interested parties, if any, and after conducting proper enquiry, within a period of twelve (12) weeks from the date of receipt of a copy of this order. Till such time, status quo to be maintained in respect of the petitioner's land alone.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
skn

To

1. The District Collector,
Office of the District Collector,
Dindigul.

2. The Tahsildar,
Office of the Athoor Taluk Office,
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3. The Revenue Inspector,
Office of the Ambathurai Taluk Office,
Ambathurai,
Athoor Taluk,
Dindigul District.
4. The Head Surveyor,
Ambathurai Head Survey Office,
Taluk Office Complex,
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V.BHAVANI SUBBAROYAN, J.

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