



W.P.(MD) No.4294 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.4294 of 2024

and

W.M.P.(MD)No.4127 of 2024

Tamilselvan

... Petitioner

-Vs-

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The District Revenue Officer,
Dindigul District, Dindigul.
- 3.The Convenor / District Monitoring Committee,
The Revenue Divisional Officer,
Dindigul District, Dindigul.
- 4.The Tahsildar,
Athur Taluk, Dindigul District.
- 5.The Village Administrative Officer,
Vakkampatti, Athur Taluk,
Dindigul.
- 6.The Block Development Officer,
Athur Taluk, Dindigul.
- 7.The President,
Vakkampatti Panchayat, Dindigul.



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- 8.Anbumeri
- 9.Seviyer
- 10.Nirmala
- 11.Agustin
- 12.Arockiyam
- 13.Kuppayammal
- 14.Murugavel
- 15.Stella
- 16.Savariyammal
- 17.Vinothini

18.The Secretary,
Vakkampatti Panchayat,
Athur Taluk, Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachment made by the respondents 8 to 18 and some other village persons in Survey No.128, common pathway in Vakkampatti Village, Athur Taluk, Dindigul District within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Murugan

For R1 to R5 : Mr.J.Ashok,
Additional Government Pleader

For R6 & R7 : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

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

This Writ Petition is filed seeking for a direction to the respondents 1 to 7 to remove the encroachment made by the respondents 8 to 18 and some other



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village persons in Survey No.128, common pathway in Vakkampatti Village, Athur Taluk, Dindigul District, within the period that may be stipulated by this Court.

2. According to the petitioner, the petitioner has already filed W.P.(MD)No.21606 of 2021, wherein this Court, vide order dated 07.12.2021, directed the authorities concerned to remove the encroachments made by the respective encroachers and complete the eviction process, within a period of three months from the date of receipt of the copy of the order. Despite the same, the authorities concerned have not removed the encroachments till date and hence, the petitioner has filed this Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents 1 to 5 strongly opposed the contention made by the petitioner by stating that the petitioner cannot file another Writ Petition for the very same prayer, which had already been granted by this Court. By relying upon the written instructions, he further submitted that the encroachments made in Survey No.128, which is classified as Vandipathai, have been removed in part. Insofar as the two persons, namely, Arokiyam and Savariammal are concerned, they encroached upon the said property for the extent of 0.00.07 sq.mt., and 0.00.20 sq mt.,



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respectively. Further, in the said property, one drainage has been constructed by the Panchayat. In respect of Arokiyam, she filed a suit in O.S.No.23 of 2022 before the District Munsif Court, Athur and the same is not maintainable, in view of the specific bar under the Tamil Nadu Land Encroachment Act, 1905.

4.Considering the facts and circumstances of the case, we direct the learned District Munsif, Athur to dispose of the suit in O.S.No.23 of 2022 as early as possible, preferably, within a period of twelve (12) weeks from the date of receipt of a copy of this order. The learned Additional Government Pleader is also directed to furnish the copy of the written instructions submitted by the 4th respondent to the petitioner.

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

[D.K.K., J.] & [R.V., J.]
26.02.2024

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

Yuva



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To

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Dindigul District, Dindigul.
2. The District Revenue Officer,
Dindigul District, Dindigul.
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The Revenue Divisional Officer,
Dindigul District, Dindigul.
4. The Tahsildar,
Athur Taluk, Dindigul District.
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Vakkampatti, Athur Taluk,
Dindigul.
6. The Block Development Officer,
Athur Taluk, Dindigul.
7. The President,
Vakkampatti Panchayat,
Dindigul.

Copy to

The District Munsif,
Athur.



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AND

R.VIJAYAKUMAR, J.

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