



W.P(MD)No.9428 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.04.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

W.P(MD)No.9428 of 2024

Balasubramanian

... Petitioner

Vs.

- 1.State of Tamil Nadu represented by,
The Principal Secretary,
Revenue Department,
State of Tamil Nadu,
Fort St. George,
Chennai – 600 009.
- 2.The Commissioner,
Commissionerate of Revenue Administration,
State of Tamil Nadu,
Ezhilagam,
Chepauk,
Chennai – 600 005.
- 3.The District Collector,
Office of the District Collector,
Dindigul District.
- 4.The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul District.



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5.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

6.The Tahsildar,
Office of the Tahsildar,
Kodaikanal Taluk,
Dindigul District.

7.The Block Development Officer,
Office of the Block Development Officer,
Kodaikanal Block,
Dindigul District.

8.The Village Administrative Officer,
Office of the Village Administrative Officer,
Boombarai Village,
Dindigul District.

9.Kumaresan,

10.Samuvel

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to take appropriate action against the respondents 4 to 8 on the basis of the petitioner's representation dated 07.03.2024 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For R-1 to R-8 : Mr.S.Saji Bino,
Special Government Pleader



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ORDER

(Order of the Court was made by N.Seshasayee, J.)

Mr.S.Saji Bino, learned Special Government Pleader takes notice for the respondents 1 to 8.

2. The property in Survey No.991/1 of Poombarai Village, Kodaikanal, Dindigul District, has been classified as a Poramboke land and the petitioner's father was stated to have encroached a portion thereof. This prompted the 9th respondent to approach this Court in W.P(MD)No.19448 of 2022 and this Court vide its order dated 24.08.2022 has directed the authorities to remove the encroachment. The petitioner now contends that even though his father was arrayed as a party to the said writ petition, he died at the relevant point of time. But, at any rate, he has vacated the said property.

3. Since the petitioner has been evicted from the property, when he realised that the tenth respondent has encroached a substantial portion of the same property, he seeks that the tenth respondent should be treated equally in the way he has been dealt with by the authorities.



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4. The short issue is whether the tenth respondent has encroached into the Government lands without any sanction of law.

5. The learned Special Government Pleader submits that a notice had already been issued to the tenth respondent on 13.01.2024 and the same is pursued with all seriousness. Inasmuch as the authorities have already initiated action, this Court need not pass a separate order directing them to do what they have already been doing.

6. Having stated thus, this Court only requires the authorities concerned to comply with the all the legal formalities strictly in dealing with the tenth respondent.

7. The writ petition is accordingly disposed of. No Costs.

(N.S.S., J.) (P.V.M., J.)
17.04.2024

NCC : Yes/No
Index : Yes/No
PM



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To

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