



W.P(MD)No.12916 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2024

WEB COPY

CORAM:

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12916 of 2024

K.Sathiyamoorthi

.. Petitioner

Vs

1.The District Collector/Monitoring Authority,
Dindigul District,
Dindigul.

2.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

3.Supiramani

.. Respondents

PRAYER Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to remove encroachment in S.Nos.119/23 and 119/22 which is classified as Pathway and land belongs to Co-operative Milk Producers Union respectively in revenue records by considering the petitioner's representation dated 07.03.2024 within a time frame fixed by this Hon'ble Court.



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For Petitioner : Mr.B.Azhagesh
For R-1 & R-2 : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

THE HON'BLE ACTING CHIEF JUSTICE.
and
G.R.SWAMINATHAN, J.

Heard Mr.B.Azhagesh, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader for respondents 1 and 2.

2. Considering the nature of relief sought by the petitioner, issuance of notice to the third respondent is dispensed with.

3. The petitioner alleges that a public pathway has been encroached upon. If that be so, remedy has to be obtained under Section 131 of the Tamil Nadu Panchayats Act, 1994. Neither the jurisdictional Block Development Officer nor the Local Body has been impleaded as respondents. Representation has been straightaway given to the Hon'ble Chief Minister and also the first respondent. If any action is initiated under the Tamil Nadu Panchayats Act, 1994 and if the encroachment is still not removed, it is the jurisdictional Tahsildar who has to take action under the Tamil Nadu Land



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Encroachment Act, 1905. In that event, the District Collector will be the appellate authority under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

4. In this case, the representation had been given to the first respondent. Only a copy had been marked to the second respondent. If the land belongs to the Co-operative Society, it is not known as to how, the Revenue Authorities will be competent to take action in the matter. Hence, we are not in a position to grant a relief to the petitioner. We therefore, permit the petitioner to submit an appropriate representation before the competent authority and if still action is not taken, even after lapse of reasonable time, the petitioner can move this Court once again.

5. With the aforesaid liberty granted to the petitioner, this writ petition stands disposed of. No Costs.

(R.M.D., ACJ.) (G.R.S., J.)

18.06.2024

NCC: :Yes/No
Index :Yes/No

PM



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