



W.P(MD)No.9938 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.9938 of 2018
and**

W.M.P(MD)Nos.14923, 18194 of 2018 & 13244 of 2019

Pachaiammal

... Petitioner

VS.

- 1.The District Collector,
Dindigul District.
- 2.The Director,
Directorate of Town Panchayat,
Chennai.
- 3.The Tahsildar,
Athur Taluk,
Dindigul District.
- 4.The Executive Officer,
Chinnalapatty Town Panchayat,
Chinnalapatty,
Dindigul District.
- 5.The Revenue Inspector,
Chinnalapatty,
Dindigul District.

... Respondents



W.P(MD)No.9938 of 2018

WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the impugned order in Na.Ka.No.365/2011/E dated 17.04.2018 on the file of the fourth respondent and quash the same and consequently direct the third respondent to measure the entire encroachment made in Survey No.682 and proceed further.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition, to quash the impugned order in Na.Ka.No.365/2011/E dated 17.04.2018 on the file of the fourth respondent and consequently to direct the third respondent to measure the entire encroachment made in Survey No.682.

2.The learned counsel appearing for the petitioner would submit that without providing an opportunity to the petitioner, the fourth respondent has passed the impugned order, dated 17.04.2018, which is illegal and arbitrary. He further submitted that the streets, namely,



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WEB COPY

Marimuthu Asari Lane, Kollar Asari Street and M.K.Thiagaraja Bhagavathar Street are situated in 17th Ward of the second respondent Town Panchayat and the entire streets, as mentioned above, have been encroached by various encroachers. But the authority concerned has issued notice to the petitioner alone.

3.The learned counsel appearing for the petitioner would further submit that the petitioner himself has filed a Writ Petition in W.P(MD)No. 20265 of 2018 to implement the order passed by the fourth respondent to the third respondent. But the third respondent failed to implement the same. He would submit that if survey is conducted for the entire three streets and upon survey, any encroachment is identified, then the authority concerned shall remove the all the encroachments, forthwith, in accordance with law and if the petitioner is also found to be an encroacher, the encroachment made by her shall also be removed.

4.Recording the aforesaid statement of the petitioner, the impugned order, dated 17.04.2018 passed by the fourth respondent is set aside and the authority concerned is directed to survey the entire property in question, after providing due opportunity to the parties concerned and



W.P(MD)No.9938 of 2018

WEB COPY

based on the report of the surveyor, if it is found that there are any encroachments in the property in question, necessary action to be taken for removal of encroachment in accordance with law. Insofar as the petitioner is concerned, as per his undertaking, if any encroachment, he has to remove voluntarily, otherwise, the authority concerned will remove the encroachment without any notice. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
27.02.2024
(2/2)

NCC : Yes / No
Index : Yes / No
ps



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

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ORDER MADE IN
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