



W.P(MD)No.22364 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.22364 of 2024

M.Balan

... Petitioner

vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildar,
Vedasandhur Taluk,
Dindigul District.

3. The Executive Officer,
Vadamadurai Town Panchayat,
Vadamadurai - 624802,
Dindigul District.

4. T.Kalaiselvi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to dispose the appeal filed by the 4th respondent dated 09.03.2020 and consequently directing the respondents 2 and 3 to restore the common



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pathway comprised in Survey No.1195/53 situated in Vadamadurai Village, Veda sandhur Taluk, Dindigul District, based on the petitioner's representations dated 04.10.2021, 08.03.2022 and 16.11.2023 respectively, within a reasonable time fixed by this Honourable Court.

For Petitioner : Mr.N.Marimuthu
For R1 to R3 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

This writ petition has been filed for a Mandamus, directing the 1st respondent to dispose of the appeal filed by the 4th respondent dated 09.03.2020, and consequently directing the respondents 2 and 3 to restore the common pathway comprised in Survey No.1195/53 situated in Vadamadurai Village, Veda sandhur Taluk, Dindigul District, based on the petitioner's representations dated 04.10.2021, 08.03.2022 and 16.11.2023 respectively, within a time frame.

2. The learned counsel for the petitioner would submit that the petitioner earlier filed W.P(MD)No.18024 of 2017 to remove the encroachment in Survey No.1195/53, which is a common pathway and



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this Court, by order dated 05.11.2019, disposed of the said writ petition with a direction to remove the encroachment made by the private respondents by due process of law. Thereafter, when the eviction notice was issued, the 4th respondent/encroacher challenged the same in W.P(MD)No.4274 of 2020 and this Court by order dated 28.02.2020, disposed of the said writ petition relegating the 4th respondent to avail appeal remedy. Pursuant to the said direction, the 4th respondent filed an appeal dated 09.03.2020 before the 1st respondent, under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, but without conducting any enquiry, the appeal was kept pending, thereby, the eviction proceedings had come to a standstill. Hence, the petitioner made representations dated 04.10.2021, 08.03.2022 and 16.11.2023, to dispose of the appeal filed by the 4th respondent and to remove the encroachment and finding no heed to them was paid, the petitioner has filed the present writ petition for the abovesaid prayer.

3. Heard both sides.



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4. Considering the limited scope of the prayer and also the fact that the appeal of the 4th respondent filed against the eviction proceedings, is pending from 2020 onwards, we direct the 1st respondent/District Collector to consider the appeal dated 09.03.2020, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, private respondent, as well as all other persons, who may be interested in the subject property, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

7. With the above direction, the Writ Petition stands disposed of. No costs.

(M.S.R, J.) (A.D.M.C, J.)
03.12.2024

Index : Yes / No
Neutral Citation : Yes / No
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To
WEB COPY

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and
A.D.MARIA CLETE, J.

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ORDER MADE IN
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