



WEB COPY

W.P.(MD)No.23331 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.23331 of 2024

P.Sakthivel

... Petitioner

-VS-

- 1.The District Collector,
The District Collectorate Office,
Dindigul District.
- 2.The District Revenue Officer,
The District Collectorate Office,
Dindigul District.
- 3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Palani,
Dindigul District.
- 4.The Tahsildar,
The Tahsildar Office,
Oddanchathiram Taluk,
Dindigul District.

5.K.Karuppasamy

6.P.Kulaindasamy

7.P.Kalimuthu

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 7 in Survey No.331/4 situated at E.Vadipatti



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Village, Oddanchathiram Taluk, Dindigul District on considering the petitioner's representation dated 16.08.2021, 04.12.2021, 25.02.2022 and 29.04.2022 and considering the memo of 4th respondent dated 25.09.2023.

For Petitioner : Mr.A.Kumar
For R-1 to R-4 : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The prayer in the writ petition is as follows:

“To issue a Writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 7 in Survey No.331/4 situated at E.Vadipatti Village, Oddanchathiram Taluk, Dindigul District on considering the petitioner's representation dated 16.08.2021, 04.12.2021, 25.02.2022 and 29.04.2022 and considering the memo of 4th respondent dated 25.09.2023.”

3. Since we are not passing any adverse orders, notice to the respondents 5 to 7 is dispensed with.

4. It is seen from the records that the land in Survey No.331/4 is shown as Government Poramboke cart track in the FMB as well as the A register of the village. Though a suit has been filed by the 5th respondent claiming a declaration

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that the property belongs to him, the same has been dismissed for default as early as on 12.03.2024.

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5. We find from the written instructions issued by the Tahsildar, Oddanchathiram, to the learned Special Government Pleader that action is underway to remove the encroachment. In view of the same, there will be a direction to the Tahsildar, Oddanchathiram, to take steps to remove the encroachment under the provisions of the Tamil Nadu Land Encroachment Act, 1905, within a period of eight (8) weeks from the date of receipt of a copy of this order and complete the process within a period of eight (8) weeks therefrom. If no action is taken, the petitioner will be at liberty to seek reopening of the writ petition.

6. The writ petition is disposed of with the above terms. There shall be no order as to costs.

[R.S.M., J.] [L.V.G., J.]

01.10.2024

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



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- 4.The Tahsildar,
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