



W.P(MD)No.20265 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.20265 of 2018

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.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to implement the communication sent by the fourth respondent vide Na.Ka.No.690/2017/E dated 10.08.2017 by conducting survey and ear mark the encroachments made in Survey No.682, Marimuthu Asari Lane, Kollar

1/7



W.P(MD)No.20265 of 2018

Asari Street and M.K.Thiagaraja Bhagavahar Street situated in 17th Ward of 4th respondent Town Panchayat and remove the encroachment within the time frame fixed by this Court.

For Petitioner

: Mr.K.Mahendran

For Respondents

: Mr.VR.Shanmuganathan
Special Government Pleader

ORDER

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

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the third respondent to implement the communication sent by the fourth respondent vide Na.Ka.No.690/2017/E dated 10.08.2017 by conducting survey and earmark the encroachments made in Survey No.682, Marimuthu Asari Lane, Kollar Asari Street and M.K.Thiagaraja Bhagavahar Street situated in 17th Ward of the fourth respondent Town Panchayat and remove the encroachment within the time frame fixed by this Court.



W.P(MD)No.20265 of 2018

WEB COPY

2. According to the petitioner, the streets, namely Marimuthu Asari Lane, Kollar Asari Street and M.K.Thiagaraja Bhagavathar Street are situated in 17th Ward of the second respondent Town Panchayat. The entire streets, as mentioned above, have been encroached by various encroachers. But the authority concerned pick and choose and has issued notice to the petitioner alone for removal of the encroachment. Hence, the petitioner made a representation, dated 13.05.2017 to the fourth respondent to remove the encroachment made in the above mentioned streets. Pursuant to the same, the fourth respondent vide proceedings dated 10.08.2017, has sent a communication dated 10.08.2017, to the third respondent to survey the street and earmark the encroachments made in the above said streets and to remove the encroachments. But the third respondent failed to implement the same. Hence, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the petitioner 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 in accordance with law.



W.P(MD)No.20265 of 2018

WEB COPY

4. Even though the third respondent filed a counter-affidavit, the third respondent has not replied for the said contention of the petitioner for removal of encroachment in order to comply with the communication sent by the fourth respondent addressed to the third respondent.

5. The learned Special Government Pleader appearing for the respondents would submit that necessary action will be taken for removal of encroachment in accordance with law.

6. On a perusal of the materials available on record, it is seen that the fourth respondent, vide proceedings dated 10.08.2017, sent a communication to the third respondent to survey the street and earmark the encroachments made in the above said streets.

7. In view of the above, the third respondent is directed to measure the entire three streets, namely Marimuthu Asari Lane, Kollar Asari Street and M.K.Thiagaraja Bhagavathar Street with the assistance of the Taluk Surveyor for demarcation of the property in question and based on the report of the Surveyor, the respondents 3 and 4 are directed to take



W.P(MD)No.20265 of 2018

WEB COPY

necessary action for removal of encroachment in the above said streets, in accordance with law, after providing opportunity to the encroachers as early as possible within a period of twelve weeks from the date of receipt of a copy of this order.

8.As per G.O(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, 'LD.6(2)' Section, dated 08.02.2022, the Divisional Monitoring Committee viz., the Revenue Divisional Officer, Athur Taluk, Dindigul District, shall monitor the same.

9.With the above directions, the Writ Petition is disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
27.02.2024
(1/2)

NCC : Yes / No
Index : Yes / No
ps



WEB COPY



W.P(MD)No.20265 of 2018

To

- 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.

Copy To:

- 5.The Revenue Divisional Officer,
Athur Taluk,
Dindigul District



WEB COPY



W.P(MD)No.20265 of 2018

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

ps

ORDER MADE IN
W.P(MD)No.20265 of 2018

DATED : 27.02.2024
(1/2)