



W.P.(MD) No.213 of 2024

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.213 of 2024

Pavalakkodi

... Petitioner

-Vs-

1.The District Collector,
Office of the District Collector,
Dindigul, Dindigul District.

2.The Tahsildar,
Office of the Tahsildar,
Palani Taluk, Dindigul District.

3.T.Maruthamuthu

4.Muthulakshmi

5.M.Kamachi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to consider the 2nd respondent's

Page 1 of 5



W.P.(MD) No.213 of 2024

communication letter in Na.Ka.No.5000/2023/C, dated 20.06.2023, consequently, to direct the respondents 1 and 2 to remove the encroachments made by the respondents 3 to 5 in Survey No.818/19 and public pathway in 1st Ward, North Street, Balasamuthiram, Dindigul District.

For Petitioner : Mr.R.Rajaselvan
For R1 & R2 : Mr.V.Nirmal Kumar,
Government Advocate
For R3 : No Appearance
For R4 & R5 : Mr.T.Leninkumar

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

According to the petitioner, the respondents 3 to 5 made an encroachment in Survey No.818/19 and public pathway in 1st Ward, North Street, Balasamuthiram, Dindigul District. Therefore, she made a representation dated 08.06.2023 to the official respondents, seeking removal of the said encroachment. On receipt of the same, the 1st respondent sent a communication letter dated 15.06.2023, directing the 2nd respondent to survey the land in question and remove the encroachment. Thereafter, the 2nd respondent sent a communication letter dated 20.06.2023 to the Inspector of Revenue Officer, Palani, Village Administrative Officer, Balasamuthiram, Dindigul and Land Surveyor, Balasamuthiram, Dindigul to conduct survey and remove the encroachment.



W.P.(MD) No.213 of 2024

However, so far, no action has been taken for removal of the encroachment.

Therefore, the petitioner is before this Court.

2.Today when the matter is taken up for hearing, the learned Government Advocate appearing for the respondents 1 and 2, by producing the proceedings of the 2nd respondent dated 04.01.2024, submitted that the Village Administrative Officer, Balasamuthiram conducted an enquiry and submitted a report stating that the 5th respondent made an encroachment in Survey No.818/23, which is classified as Natham Poramboke Street. However, the petitioner claims that there is an encroachment in Survey No.818/19.

3.In view of the above, since there is a dispute regarding the survey number, we direct the 2nd respondent to conduct survey in the property in question with the assistance of the Surveyor concerned and demarcate the property, after issuing notice to petitioner and the respondents 3 to 5. If the survey reveals that there is an encroachment, the same will be removed after providing opportunity to all the parties concerned by following due process of law. The respondents 3 to 5 shall also submit their objections and produce the relevant documents, if any, before the authority concerned. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.(MD) No.213 of 2024

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

[D.K.K., J.] & [R.V., J.]
27.02.2024

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

Yuva

To

1. The District Collector,
Office of the District Collector,
Dindigul, Dindigul District.
2. The Tahsildar,
Office of the Tahsildar,
Palani Taluk, Dindigul District.



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W.P.(MD) No.213 of 2024

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AND

R.VIJAYAKUMAR, J.

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W.P.(MD)No.213 of 2024

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