

W.P(MD)No.16115 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.16115 of 2023
and
W.M.P.(MD) No.13502 of 2025**

K.Chelladurai

... Petitioner

Vs

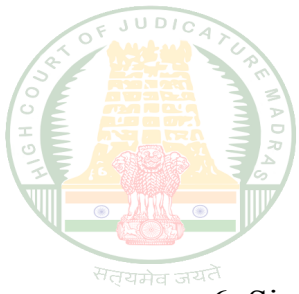
1. The District Collector,
Dindigul District, Dindigul.

2. The Tahsildar,
Gujiliyamparai Taluk,
Gujiliyamparai,
Dindigul District.

3. The Block Development Officer,
Panchayat Union Office,
Gujiliyamparai,
Dindigul District.

4. The Superintendent of Police,
Dindigul District, Dindigul.

5. The Inspector of Police,
Eriodu Police Station,
Eriodu, Dindigul District.



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6. Sivasubramani

7. Sakthivel

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents no. 1 to 3 to remove the encroachment made by the respondents No. 6 and 7 by constructing the Private Toilet in Survey No. 455/2 situated at R.Pudukkottai Post, Gujiliyamparai Taluk, Dindigul District, which is exclusively earmarked for public pathway based on the petitioner's representation dated 26.05.2023.

For Petitioner	:	Mr.S.Harish for Mr.M.Vivek Bharathi,
For Respondent	:	Mr.S.P.Maharajan (R1 & R2) Special Government Pleader
	:	Mr.J.Ashok (R3) Additional Government Pleader
	:	Mr.T.Senthil Kumar (R4-R5) Additional Public Prosecutor



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ORDER

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[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The writ of mandamus has been instituted to direct the respondents 1 to 3 to remove the encroachments made by the respondents 6 and 7 by constructing the private toilets in Survey No. 455/2 situated at R.Pudukkottai Post, Gujiliyamparai Taluk, Dindigul District, which is exclusively earmarked for public pathway, based on the petitioner's representation dated 26.05.2023.

2.The learned Counsel for the petitioner would submit that the sixth respondent is a retired Tahsildar of the Revenue Department and the seventh respondent is his brother. Both have encroached upon the government land and constructed toilets and using the same. The petitioner made a complaint to the authorities and no action has been initiated. Thus, the present writ petition came to be instituted.

3.Curiously, the Revenue Tahsildar, Gujiliyamparai has given a written instruction to the learned Government Pleader vide proceeding dated 03.07.2023. Though he has admitted the fact that the subject



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toilets were constructed in government land classified as "street". He says that the toilets are not causing any obstruction to the public. Such a finding by the Tahsildar in favour of the sixth respondent, who is a retired Tahsildar raises serious doubt on the conduct Mr.K.Ramesh, then Revenue Tahsildar, Gujiliyamparai, Dindigul District

4.As far as the encroachment is concerned, the authorities have admitted that the toilets are constructed in the government land, which is classified as "street" and the learned Additional Government Pleader would submit that actions are to be initiated to remove the encroachment and demolish the unauthorised construction.

5.In view of the fact that the second respondent/Tahsildar is unusually attempting to protect the encroachments in support of the sixth respondent, who is a retired Tahsildar, this court is inclined to direct the District Collector/first respondent to initiate enforcement action through the jurisdictional Tahsildar and all unauthorized constructions and encroachments ought to be removed by following the procedures as contemplated under the statutes and rules. It is needless to state that an opportunity is to be provided to the respondents 6 and 7 to defend their



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case. The entire exercise is directed to be completed within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, this writ petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[S.M.S., J.] [G.A.M., J.]
26.08.2025

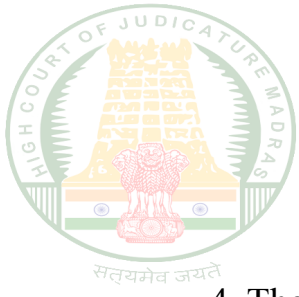
Index: Yes/No
Internet: Yes/No
NCC: Yes/No

LR

To
1. The District Collector,
Dindigul District, Dindigul.

2. The Tahsildar,
Gujiliyamparai Taluk,
Gujiliyamparai,
Dindigul District.

3. The Block Development Officer,
Panchayat Union Office,
Gujiliyamparai,
Dindigul District.



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4. The Superintendent of Police,
Dindigul District, Dindigul.

5. The Inspector of Police,
Eriodu Police Station,
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S.M.SUBRAMANIAM, J.
and
G.ARUL MURUGAN, J.

LR

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