

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.29917 of 2016

V.Babu

.. Petitioner

-vs-

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Dept. of Revenue, Fort St. George,
Chennai-9.

2.The District Collector,
Vellore District, Sathuvachari Post,
Vellore 6ew 009.

3.The Tahsildar,
Ambur Taluk, Ambur,
Vellore District.

4.P.Benjamin Prabakaran

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd and 3rd respondents to remove the encroachment made by the 4th respondent with respect to the lands abutting the lands in Sy.No.48, 51/1, 51/2, 59/3, 54/3, 39/3,37/1,36/2,36/1,32 of Palur Village and Sy.No.108/5, 109/2, 110/2 of Madanur Village, Ambur Taluk, Vellore District and resotre the ''odai''.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.M.K.Subramanian,
Govt. Pleader for RR 1 to 3

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The allegation of the petitioner is that the pattas which have been issued are on 'Odai' area and there can be no patta

naturally issued in respect of the water area. The petitioner has made a complaint, but to no avail.

2.Since the matter in issue is of pattas already issued, it would not be appropriate to issue any direction in this petition to straightaway remove any party. What is required is that respondents 2 and 3 should hold an enquiry as to whether the land in question is actually a water channel / Odai as alleged and if it is so, in what circumstances could pattas have been granted. If the concerned authorities come to a conclusion that pattas could not have been issued, then proceedings in accordance with law must be taken against the patta holders.

3.The aforesaid exercise be completed within a period of four (4) months from the date of receipt of the order.

4.Writ petition, accordingly, stands disposed of. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Govt. of Tamil Nadu,
Dept. of Revenue, Fort St. George,
Chennai-9.

2.The District Collector,
Vellore District, Sathuvachari Post,
Vellore 6ew 009.

3.The Tahsildar,
Ambur Taluk, Ambur,
Vellore District.

+1 cc to M/s.V.Raghavachari,advocate,sr.48861

+1 cc to Govt.Pleader,sr.48772

ug(co)
krd 9/9

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