

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.8838 of 2017

Sachidhanantham .. Petitioner

Vs.

- 1 The Principal Secretary
Ministry of Rural Development
Department of Rural Development
Government of India
Room No.278, Krishi Bhavan
New Delhi-110 001.
- 2 The Director (Rural Connectivity)
Ministry of Rural Development
Department Rural Development
Government of India
Room No.278, Krishi Bhavan
New Delhi-110 001.
- 3 The Principal Secretary
Department of Rural Development
and Panchayat Raj, Government of Tamil Nadu
Fort St. George, Chennai-9.
- 4 The Secretary to Government
Highways and Minor Ports Department
Government of Tamil Nadu
Fort St. George, Chennai-9.
- 5 The Director
Directorate of Rural Development
and Panchayat Raj
Government of Tamil Nadu
Panagal Building, Chennai-15.
- 6 The Director General
Highways Department

Government of Tamil Nadu
Integrated Chief Engineer's office
HRS Campus No.76, Sardar Patel Road
Guindy, Chennai-25.

- 7 The Commissioner cum Principal Secretary (Training)
Directorate of Rural Development and Panchayat Raj
Government of Tamil Nadu
Panagal Building, Chennai-15.
- 8 The District Collector cum Chairman
District Rural Development Agency
Department of Rural Development and Panchayat Raj
Collectorate, Vellore District.
- 9 The Revenue Divisional Officer
Ranipet, Vellore District.
- 10 The Joint Director/ Planning Director
Office of the District Rural Development
Vellore District, Vellore.
- 11 The Assistant Director (Rural)
Department of Rural Development and Panchayat Raj
Vellore District, Vellore.
- 12 The Block Development Officer
Department of Rural Development and Panchayat Raj
Arcot, Vellore District.
- 13 The Special Tahsildar (Land)
Collectorate Campus, Vellore District.
- 14 The Tahsildar
Walajah Taluk, Vellore District.
- 15 The Village Adiministative Officer
Keezhminnal Village, Walajah Taluk
Vellore District.
- 16 M.V.Mathi
- 17 Seenu .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 8 to 16 to remove the encroachment on the petitioner's patta land in Survey No.1346 situated at Narayanapuram Village, Walajah Taluk, Vellore District by considering the petitioner's representation dated 3.3.2017 in accordance with law within a stipulated time.

For Petitioner

: Mr.S.Mohamed Ansar

For Respondents

: Mr.R.Vijayakumar

Addl. Government Pleader
for respondents 1 to 15

ORDER

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

In this writ petition, the petitioner has sought orders directing respondents 8 to 16 to remove encroachment on the petitioner's patta land in Survey No.1346 situated at Narayanapuram Village, Wallajah Taluk, Vellore District.

2. From the averments in the writ petition, it appears that the first respondent introduced a scheme, which is the Pradhan Mantri Gram Sadak Yojana, for renovation and widening of village roads all over India. In Vellore District, the first respondent allocated funds for renovation of over 20 village roads. The scheme was undertaken by the third respondent.

3. It is submitted by Mr.R.Vijayakumar, learned Additional Government Pleader that the extension/widening is being carried out on government land and there is no encroachment of the land belonging to the petitioner.

4. In paragraph (5) of the affidavit of the petitioner, it is stated that the 16th respondent, i.e., the Contractor - M.V.Mathi, has encroached some parts of agricultural lands and dry lands on the two sides of the existing road, as a result of which 20 farmers, including the petitioner, have been affected.

5. It is now contended that the land of the petitioner has been damaged. We are unable to appreciate how land could have been damaged. Perhaps, the petitioner being a farmer, the reference is to crops.

6. Be that as it may, the allegations and the grievances are mainly against respondents 16 and 17. The 16th respondent, as observed above, is the Contractor and the 17th respondent is a person of the locality. The 17th respondent has nothing to do with the Government of Tamil Nadu and the address of the 17th respondent has been wrongly given as Seenu, S/o.Kannan, Government of Tamil Nadu, Fort St. George, Chennai - 600 009. Neither of the aforesaid two persons, who are individuals, are amenable to the writ jurisdiction of this Court under Article 226 of the Constitution of India. The remedy, if any, of the petitioner lies by way of suit for damages against the said two persons.

The writ petition is, therefore, not entertained and accordingly stands dismissed. No costs. Consequently, W.M.P.Nos.9695, 9696 and 9785 of 2017 are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1 The Principal Secretary
Ministry of Rural Development
Department of Rural Development
Government of India
Room No.278, Krishi Bhavan
New Delhi-110 001.
- 2 The Director (Rural Connectivity)
Ministry of Rural Development
Department Rural Development
Government of India
Room No.278, Krishi Bhavan
New Delhi-110 001.
- 3 The Principal Secretary
Department of Rural Development
and Panchayat Raj, Government of Tamil Nadu
Fort St. George, Chennai-9.
- 4 The Secretary to Government
Highways and Minor Ports Department
Government of Tamil Nadu
Fort St. George, Chennai-9.
- 5 The Director
Directorate of Rural Development
and Panchayat Raj
Government of Tamil Nadu
Panagal Building, Chennai-15.
- 6 The Director General
Highways Department
Government of Tamil Nadu
Integrated Chief Engineer's office
HRS Campus No.76, Sardar Patel Road
Guindy, Chennai-25.

- 7 The Commissioner cum Principal Secretary (Training)
Directorate of Rural Development and Panchayat Raj
Government of Tamil Nadu
Panagal Building, Chennai-15.
 - 8 The District Collector cum Chairman
District Rural Development Agency
Department of Rural Development and Panchayat Raj
Collectorate, Vellore District.
 - 9 The Revenue Divisional Officer
Ranipet, Vellore District.
 - 10 The Joint Director/ Planning Director
Office of the District Rural Development
Vellore District, Vellore.
 - 11 The Assistant Director (Rural)
Department of Rural Development and Panchayat Raj
Vellore District, Vellore.
 - 12 The Block Development Officer
Department of Rural Development and Panchayat Raj
Arcot, Vellore District.
 - 13 The Special Tahsildar (Land)
Collectorate Campus, Vellore District.
 - 14 The Tahsildar
Walajah Taluk, Vellore District.
 - 15 The Village Adiministative Officer
Keezhminnal Village, Walajah Taluk
Vellore District.
- +1cc to the Government Pleader Sr. 22733
- +1cc to Mr.S. Mohamed Ansar, Advocate Sr. 22480

W.P.No.8838 of 2017

RK (CO)
VR (20/4/2017)

WEB COPY