

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.9638/2018

V.Somasundaram

..Petitioner

Versus

1.The District Collector
Villupuram District.

2.The Tahsildar
Vikravandi.

3.The District Revenue Officer
Villupuram.

4.T.Mohan

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to remove the encroachments made by the 4th respondent in S.No.238/5 situate at Periyababu Samudiram [Vanur Road], Kandamangalam [via], Vikravandi Taluk, Villupuram District.

For Petitioner : Mr.V.Lakshmi Narayanan

For R1 to R3 : Mr.A.N.Thambidurai, Spl.GP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The learned counsel for the petitioner would submit that the petitioner is not an encroacher of any public land and would aver that the lands in S.No.238/1B1 admeasuring to an extent of 0.05 cents was purchased by him through a registered Sale Deed bearing Doc.No.208/1992 dated 01.03.1992 on the file of the office of the Sub Registrar, Kandamangalam and ever since then, he is in possession and enjoyment of the same and

according to the petitioner, there is a public road in Sno.238/B5 and it is not only used by him ; but also by the other residents of the locality. The grievance expressed by the petitioner is that the 4th respondent has encroached upon the part of the said road and had put up a fencing with bamboo sticks and thereby, preventing the petitioner and other users from using the said public road and despite the receipt and acknowledgment of the representation dated 28.03.2018 submitted in this regard, no action has been taken by the respondents and therefore, the petitioner came forward to file the present writ petition.

3 The Court heard the submissions of the learned counsel for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in the representation or in this writ petition, directs the 2nd respondent to cause inspection of the land in S.No.238/B5 and find out whether it is a public road or not and the said exercise is to be carried out within a period of four weeks from the date of receipt of a copy of this order, after putting the petitioner and the 4th respondent on notice and depending upon the result of the survey and inspection, shall take appropriate action, in accordance with law, for removal of encroachment if any, within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner and the 4th respondent herein.

5 The writ petition stands disposed of with the above direction. No costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

AP
To

1.The District Collector
Villupuram District.

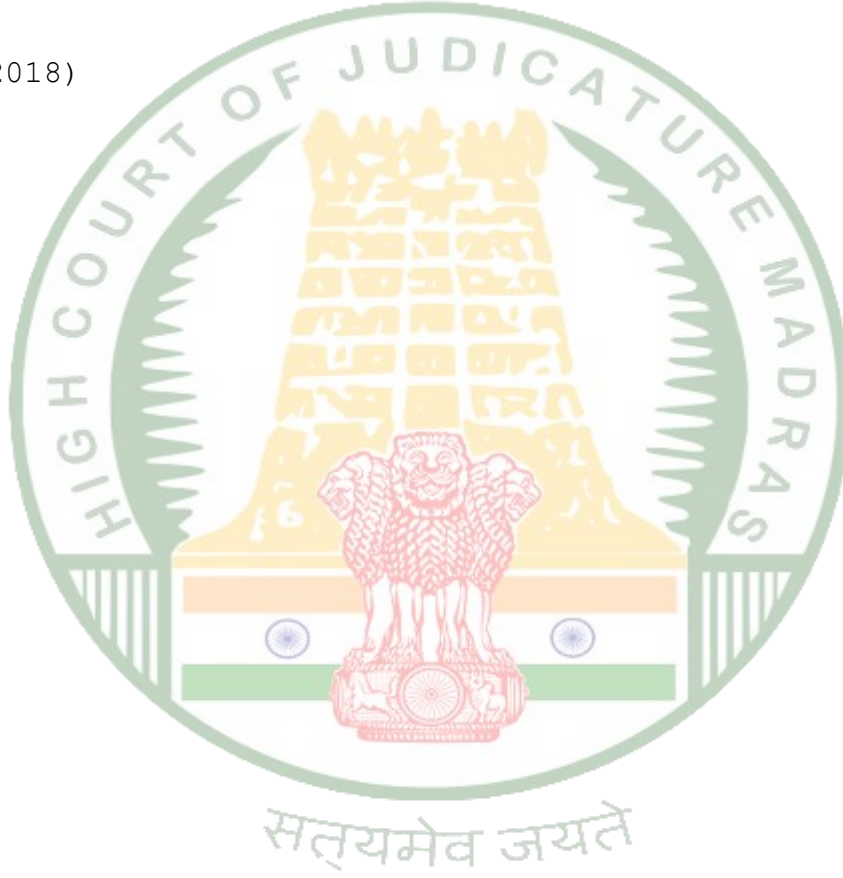
2.The Tahsildar
Vikravandi.

3.The District Revenue Officer
Villupuram.

+1 CC to Mr.V. Lakshminarayanan, Advocate sr 29095.
+1 CC to Govt. Pleader sr 30022.

WP.No.9638/2018

GJ(CO)
SP(10/05/2018)



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