

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P. No. 28168 of 2017
and
W.M.P. No. 30303 of 2017

M.Shiva

Petitioner

Vs.

1. The District Collector
Thiruvannamalai District
Thiruvannamalai.
2. The Block Development Officer
(Village Panchayat)
Arani, Thiruvannamalai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the proceedings of the Respondent pertaining to Na.Ka. No. 315/2017/U.A.4 dated 13.10.2017 passed by the Second Respondent, quash the same and consequently, direct the Respondents to tillering the entire survey numbers through which the canal is flowing along with S.No. 180/9.

For Petitioner : Mr. S.Makesh

For Respondents : Mrs. R.Anitha (For R1)
State Government Counsel
Mrs. M.E.Rani Selvam (For R2)

ORDER

(Order of the Court was passed by **N.KIRUBAKARAN, J**)

This Writ Petition has been filed challenging the proceedings in Na.Ka.No.315/2017/U.A.4 dated 13.10.2017 issued by the Second Respondent terming the Petitioner and others as encroachers in respect of the property comprised in Survey No. 180/9 having an extent of 0.04.5 hectares situated at Adayapulam Village, Arni Taluk, Thiruvannamalai district.

2. According to the Petitioner, he is owning lands comprised in Survey Nos. 179/3, 179/4, 179/5, 180/6C, 181/3, 181/4, 181/5, 181/6 situated at Adayapulam Village, Arni Taluk, Thiruvannamalai district and he has not encroached upon the land comprised Survey No.180/9 situated at Adayapulam Village, Arni Taluk, Thiruvannamalai district, which is classified as Water Channel. Therefore, the impugned order dated 13.10.2017 has unnecessarily been issued terming as the Petitioner as one of the encroachers of the water channel comprised in Survey No. 180/9 of the subject property.

3. Heard Mr. S.Makesh, Learned Counsel for the Petitioner, Mrs. R.Anitha, Learned Counsel appearing for the First Respondent and Mrs. M.E. Rani Selvam, Learned Counsel appearing for the Second Respondent, and perused the materials placed on record.

4. A perusal of the records reveals that the Petitioner is the owner of the aforementioned lands and he is no way connected with Survey No. 180/9 of the subject property. More over, the Joint Survey Report dated 16.03.2021 filed by the Tahsildar, Arni and the Block Development Officer (Scheme), Arni reveals that the Petitioner is not an encroacher of the subject property.

5. In view of that, the impugned order is quashed in respect of the Petitioner alone and accordingly, this Writ Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

[N.K.K., J.] [P.T.A., J.]

28.07.2021

(1/2)

Maya

Index : Yes

Internet : Yes

Speaking order

N.KIRUBAKARAN, J.

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**and
P.T.ASHA, J.**

Maya



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