

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM :
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.19613 of 2017

N.Radhakrishnan

... Petitioner

Vs

1.The State of Tamil Nadu
Rep. by the Secretary to Government,
Revenue Department, Fort St. George,
Secretariat, Chennai 600 009.

2.The Commissioner,
Land Administration,
Ezhilagam, Cheppauk, Chennai 600 005.

3.The District Collector,
Cuddalore District,
Cuddalore 607 001.

4.The Revenue Divisional Officer,
Vriddhachalam 606 001.

5.The Tahsildar
Tittagudi Taluk, Tittagudi 606 106.

6.The Block Development Officer,
Panchayat Union, Nallur 606 302.

7.The Inspector of Police
Pennadam 606 105.

8.K.Chithrangi
W/o.Kathirkamam,
Near Railway Gate, Pe.Ponneri Village,
Pennadam RS (PO) 606 111.

9.Jaya,
W/o.C.Mani
Near Railway Gate, Pe.Ponneri Village,
Pennadam RS (PO) 606 111.

10.Sivakami
W/o.Aadhimoolam (Late),
Near Railway Gate, Pe.Ponneri Village,
Pennadam RS (PO) 606 111.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 2nd, 3rd, 5th and 6th respondents to survey the land scientifically in S.F.No.64B/2 and S.F.No.108 of Pe.Ponneri Village, Tittagudi Taluk, Cuddalore District mark the dividing line between the public road and Patta land and remove the encroachments from the public road in SF No.108 of Pe. Ponneri Village as per the order of the District Revenue Officer/District Collector dated 24.01.2013 in Na.Ka.V3/341/2013 and the representations of the petitioner dated 29.05.2017 and 27.06.2017 respectively on a stipulated time.

For Petitioner : Mr.N.Radhakrishnan
(Party-in-person)

For Respondents : Mr.A.N.Thambidurai (for R1 to R7)
Special Government Pleader
Mr.P.Thiagarajan, (for R8)
Mr.S.Arokiamaniraj (for R9 and R10)

O R D E R

(Order of this Court was made by N.KIRUBAKARAN, J)

The petitioner has come before this Court, seeking writ of mandamus directing respondents 2, 3, 5 and 6 to survey the land scientifically in S.F.No.64B/2 and S.F.No.108 of Pe.Ponneri Village, Tittagudi Taluk, Cuddalore District mark the dividing line between the public road and Patta land and remove the encroachments from the public road in SF No.108 of Pe. Ponneri Village as per the order of the District Revenue Officer/District Collector dated 24.01.2013 in Na.Ka.V3/341/2013 and the representations of the petitioner dated 29.05.2017 and 27.06.2017 respectively on a stipulated time.

2.Heard the petitioner, who is appearing as party in person; Mr.A.N.Thambidurai, learned Special Government Pleader appearing for respondents 1 to 7; Mr.P.Thiagarajan, learned counsel appearing for the 8th respondent and Mr.Arockiamaniraj, learned counsel appearing for respondents 9 and 10.

3.Though the petitioner would submit that respondents 8 to 10 encroached upon the public pathway, the report filed by the Tahsildar, Tittagudi Taluk, Cuddalore District, after surveying the property placed before this Court by way of an additional counter would show that survey No.64B2/1, which belongs to the petitioner has been encroached upon by Ms.Jaya @ Jayalakshmi, W/o.Chidambaram to an extent of 52 Sq. mt.; Ms.Sivagami, W/o.Adimoolam (late) to an extent of 61 sq. mt. and Ms.Chithrangi, W/o.Kathirkamam, to an extent of 123 sq. mt., and in survey No.64B/2, which belongs to the petitioner has been encroached upon by Ms.Chithrangi, W/o.Kathirkamam, to an extent of 25 sq. mt. However, no direction could be given

to respondents 8 to 10, to vacate the afore said property as they are in occupation of private property, belonging to the petitioner, for which, the petitioner has allegedly filed a suit. Therefore, the petitioner is directed to work out his remedy before the Civil Court.

4.The additional counter affidavit would further state that the 9th respondent Ms.Jaya @ Jayalakshmi, W/o.Chidambaram, encroached upon 76 sq. mt and Ms.Sivagami, W/o.Adimoolam (late) encroached upon 85 sq. mt., on the road, which is Government poramboke land comprised in Survey No.108. Since the Tahsildar's report states that the property comprised in Survey No.108 is a road poramboke, the 9th and 10th respondents are directed to vacate the property occupied by them in Survey No.108 to an extent of 76 sq. mt and 85 sq. mt., within a period of four weeks from the date of receipt of a copy of this order, failing which, the Tahsildar, Tittagudi Taluk, Cuddalore District, shall evict 9th and 10th respondents from Survey No.108, with police protection, which has to be given by the 7th respondent.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu
Revenue Department, Fort St. George,
Secretariat, Chennai 600 009.

2.The Commissioner,
Land Administration,
Ezhilagam, Cheppauk, Chennai 600 005.

3.The District Collector,
Cuddalore District,
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4.The Revenue Divisional Officer,
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5.The Tahsildar
Tittagudi Taluk, Tittagudi 606 106.

6.The Block Development Officer,
Panchayat Union, Nallur 606 302.

7.The Inspector of Police
Pennadam 606 105.

+1 cc to Mr.P.Thiagarajan, Advocate SR.No.47362
+1 cc to Mr.S.Arockiamani, Advocate SR.No.47472
+1 cc to Government Pleader SR.No.48517

W.P.No.19613 of 2017

MR(CO)
SMI/21.08.2018



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