

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.17508 of 2018

K.Kayilairajan

... Petitioner

-vs-

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Revenue,
St.Fort George, Chennai.
- 2.The District Collector,
Nagapattinam District,
District Collectorate,
Nagapattinam - 611 003.
- 3.The District Revenue Officer,
Nagapattinam,
District Collectorate,
Nagapattinam - 611 003.
- 4.The Revenue Divisional Officer,
Nagapattinam District.
- 5.The Tahsildar,
Vedaranyam,
Nagapattinam District.
- 6.The Village Administrative Officer,
Kovilpathu Village,
Vedharanyam Taluk, Nagapattinam District.
- 7.A.Nagoran.
- 8.N.Murali

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorified Mandamus to call for the records of the fifth respondent in Na.Ka7198/2017/Aa4 dated 29.05.2018 and quash the same as illegal, unlawful and against law and consequently direct the 5th

respondent to enforce the order passed by the 4th respondent dated 11.04.2018 within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.M.R.Kuyilan

For Respondents: Mr.Manishankar,
Additional Advocate General
Assisted by Mr.R.Udhaya Kumar,
Additional Advocate General
for R1 to R6
Ms.Geetha Senthilkumar
for R7 and R8

O R D E R

[Order of the Court was made by R.SUBRAMANIAN,J.]

The prayer in this writ petition is to issue a Writ of Certiorified Mandamus to call for the records of the 5th respondent in Na.Ka.No.7198/2017/Aa4 dated 29.05.2018 and quash the same as illegal, unlawful and against law and consequently direct the 5th respondent to enforce the order passed by the 4th respondent dated 11.04.2018 within a time frame fixed by this Hon'ble Court.

2. On 11.10.2018, we had passed the following order:-

"The Tahsildar, Vedaranyam, the 5th respondent herein filed a report indicating that he has already removed the encroachment. The said fact is disputed by the learned counsel for the petitioner. According to the learned counsel, even now, the respondents 7 and 8 are occupying the huts in question. The order passed by the Revenue Divisional Officer indicates that the alleged encroachers are having other land in their ownership and possession.

2. We direct the 5th respondent to remove the encroachment in its entirety and show the factum of such removal to the petitioner. The Tahsildar, Vedaranyam, Shall appear in person on 12.10.2018 and file a report.

3. Post on 12.10.2018 under the caption "for orders". "

3. Pursuant to the same the Tahsildar, Vedaranyam, 5th respondent is present in Court. He has filed an affidavit reporting that the encroachment have been removed and the

proposal to convert the subject land which is classified as Vandi Pathai poramboke land as Grama natham will not be pursued.

4. Recording the same the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

dsa

To

- 1.The Secretary,
Department of Revenue,
St.Fort George, Chennai.
- 2.The District Collector,
Nagapattinam District,
District Collectorate,
Nagapattinam - 611 003.
- 3.The District Revenue Officer,
Nagapattinam,
District Collectorate,
Nagapattinam - 611 003.
- 4.The Revenue Divisional Officer,
Nagapattinam District.
- 5.The Tahsildar,
Vedaranyam,
Nagapattinam District.
- 6.The Village Administrative Officer,
Kovilpathu Village,
Vedharanyam Taluk, Nagapattinam District.

+1cc to Mr.M.R.Kuyilan, Advocate, S.R.No. 71707

W.P.No.17508 of 2018

BR(CO)
GN(13/11/2018)