

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 07.06.2019****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.No.38929 of 2005****And****W.P.M.P.No.41705 of 2005**

R.Jayaseelan

... Petitioner

Vs.

1.The Secretary to the Govt.
of Tamil Nadu
Revenue Department
Fort St.George,
Chennai – 600 009.

2.The Collector,
Thiruvallur District,
Tamilnadu.

3.The Thasildar
Poonamallee Taluk,
Chennai – 300 056.

4.Superintendent of Police,
Thiruvallur District,
Thiruvallur,
Tamilnadu.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to remove the encroachment either permanent or temporary now available in the lands comprised in Survey No.161 & 162 in all measuring 1 acre 54

cents and restore the encroached land to the local panchayath namely Varadarajapuram Panchayath for the benefit of the Local Public belonging to the Varadarajapuram Village.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.J.Ramesh

Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus, directing the respondents to remove the encroachment either permanent or temporary now available in the lands comprised in S.Nos.161 and 162 in all measuring 1 acre 54 cents and to restore the encroached land to the local Panchayat namely, Varadarajapuram Panchayat for the benefit of the local public belonging to the Varadarajapuram Village.

2.The petitioner was elected as Ward Member pertaining to III Ward of Varadarajapuram Panchayat and as such, fighting for the cause of the local public. In the said Panchayat, the lands comprised in S.Nos.161 and 162 were serving as burial grounds since time immemorial. Since it is a burial ground, the property was neglected by the local public and some third parties indulged in encroachment of the land so as to usurp the land for their personal use. Hence, the

petitioner lodged repeated complaints to the District Collector and other Authorities and since no action was taken, the petitioner has filed this writ petition.

3. Heard both sides.

4. The learned counsel appearing for the petitioner would submit that it would suffice, if this Court issues a direction to the respondents to measure the property and if authorities found encroachment, the encroacher may be evicted in the manner known to law.

5. The learned Additional Government Pleader appearing for the respondents concede the request of the learned counsel appearing for the petitioner.

6. Though the writ petition is of the year 2005, the respondents have not yet filed a counter. However, considering the prayer sought for in the writ petition, I am inclined to issue a direction to the third respondent to carry out the measurement in S.Nos.161 and 162 at the Varadarajapuram Panchayat and further direct that if the measurement and field verification reveal any encroachment made by the third parties, the encroacher shall be evicted after following due

process.

7.The writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

07.06.2019

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

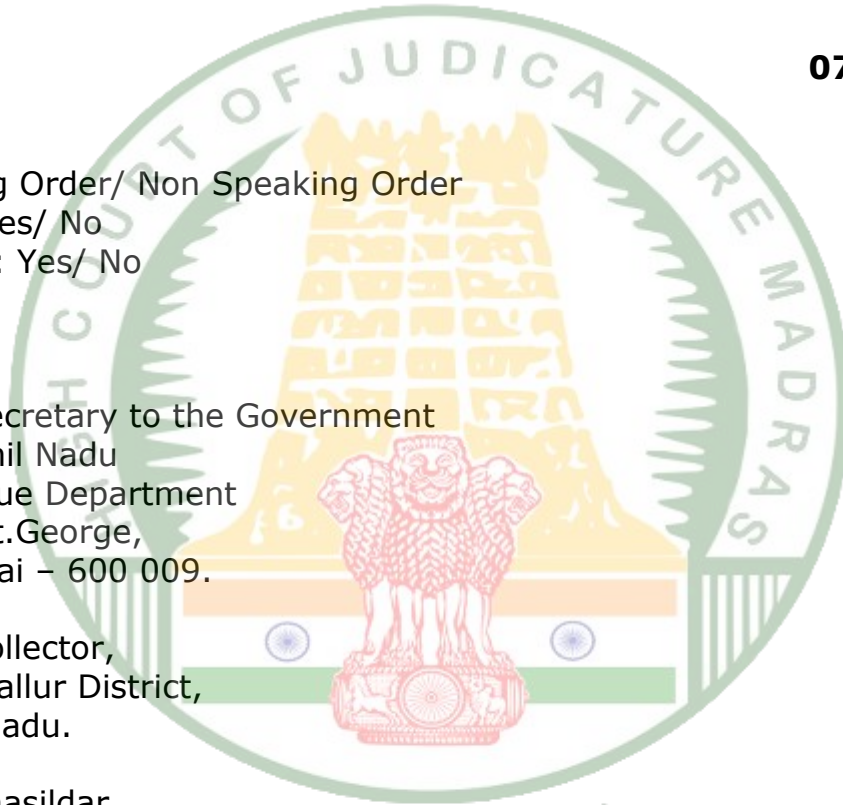
To

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

2.The Collector,
Thiruvallur District,
Tamilnadu.

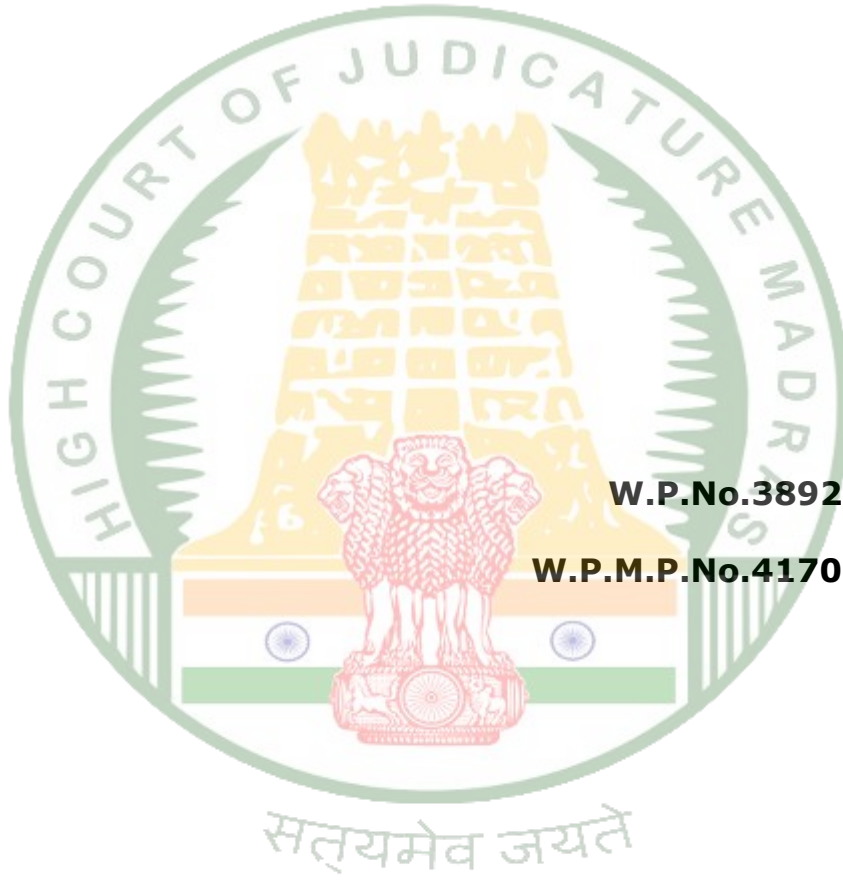
3.The Thasildar
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4.The Superintendent of Police,
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Thiruvallur,
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M.DHANDAPANI,J.
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