

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.28964/2016 & WMP.No.25038/2016

NL.Arivazhi Akilan

..

Petitioner

Vs

1.The District Collector  
Villupuram District.

2.The Revenue Divisional Officer  
Kallakurichi.

3.The Tahsildar  
Sankarapuram Taluk.

4.The Executive Officer  
Town Panchayat,  
Sankarapuram.

5.The Sub Registrar  
Sankarapuram.

6.Aatukara Raja

7.Rajasekar

8.Sakthi

9.Lakshmanan

10.Saravanan

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 5 to remove the encroachments in the Survey No.54/1, Kattuvananajur, Sankarapuram, Register Office Lane, measuring an extent of 15 ft x 170 ft, caused by the respondents 6 to 10.

For Petitioner : Mr.N.Suresh  
 For R1 to R5 : Mr.A.N.Thambidurai, Spl.GP  
 For R6 to R10 : No appearance

ORDER

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

By consent, the writ petition is taken up for final disposal.

**2** The petitioner, in the affidavit filed in support of this writ petition would aver among other things that he is a resident of Kattuvananjur, Sankarapuram Taluk, Villupuram District and according to him, the lands in survey No.54/1, allotted in the said place, is classified as "Government Poramboke" in the revenue records and it admeasures to an extent of 0.27.0 Hectares. The petitioner would further aver that a portion of the land on the Western side, was allotted as Public Lane vide order of the Inspector General of Registration dated 08.11.1986 and by the order of the District Registrar dated 18.06.1987 and the public started using the same as an "approach road" for more than

three decades and it is called as "Register Office Lane". It is the specific case of the petitioner that the respondents 6 to 10 along with their henchmen, had encroached upon major portion of the lane in Survey No.54/1 and thereby, the width of the lane got narrowed and in this regard, the petitioner has submitted a written representation dated 08.10.2014 to the respondents 1 to 5 and the office of the 1<sup>st</sup> respondent, vide Memo dated 05.11.2014, in O.Mu.No. 3/21237/14, has directed the 3<sup>rd</sup> respondent to take appropriate action and inform the same to the petitioner, with a copy marked to him and despite such a direction, no action has been taken by the 3<sup>rd</sup> respondent and hence, came forward to file the present writ petition.

**3** The 3<sup>rd</sup> respondent has filed a counter affidavit accepting the case of the petitioner as regards the user of public lane and further averred that the said Lane measures to an extent of 15 feet on East-West and 170 feet on North-South and on verification, it was found that encroachments have been made and therefore, the Executive Officer, Town Panchayat, Sankarapuram, was requested to remove the encroachments vide communication dated 18.02.2015 followed by reminders dated 20.03.2015 and 19.06.2015 respectively. The 3<sup>rd</sup> respondent would further aver that the respondents 6 to 10 had

constructed a wall, thereby restraining the general public to go to the Southern side of the lane and steps are being taken to remove the encroachments.

**4** Mr.N.Suresh, learned counsel for the petitioner would submit that in the light of the counter affidavit of the 3<sup>rd</sup> respondent, appropriate orders could be passed.

**5** Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 5 would submit that expeditious action will be taken to remove the encroachments made by the private respondents.

**6** This Court, in the light of the above facts and circumstances, directs the 3<sup>rd</sup> respondent to cause inspection of the public lane in question with the help of a Surveyor and after putting the respondents 6 to 10 on notice, shall take appropriate action for removal of the encroachments in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 6 to 10.

**7** The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

**8** Call on 13.10.2017 for reporting compliance.

[M.S.N., J.] [N.S.S., J]  
09.08.2017

Index : : No  
Internet : : Yes

AP

To

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- 5.The Sub Registrar, Sankarapuram.
- 6.Mr.Aatukara Raja, Register Office Lane, Sankarapuram.
- 7.Mr.Rajasekar, Register Office Lane, Sankarapuram.
- 8.Mr.Sakthi, Poikunam Road, Sankarapuram.
- 9.Mr.Lakshmanan, Poikunam Road, Sankarapuram.
- 10.Mr.Saravanan, Poikunam Road, Sankarapuram.

**\*\*The above order copy should also be communicated to the private respondents as per the order of the Court.**

M.SATHYANARAYANAN, J.,  
AND  
N.SESHASAYEE, J.,  
AP



WP.No.28964/2016

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