

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.25407 of 2019

M.Arumugam

.. Petitioner

-vs-

- 1.Government of Tamil Nadu,
rep. by its Principal Secretary to Government,
Revenue Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The Principal Secretary/
Commissioner of Land Administration,
Ezhilagam Buildings, Chepauk,
Chennai-600 005.
- 3.The District Collector,
Cuddalore District,
Collectorate, Gundu Salai Road,
Manjakuppam, Dhanalakshmi Nagar Extension,
Cuddalore-607 001.
- 4.The District Revenue Officer,
Cuddalore District,
Office of the District Collector,
Gundu Salai Road, Manjakuppam,
Dhanalakshmi Nagar Extension,
Cuddalore-607 001.
- 5.The Revenue Divisional Officer,
Virudhachalam Division,
SH.70 Virudhachalam-Cuddalore Road,
Virudachalam, Cuddalore District-606 001.
- 6.The Tahsildar,
Virudhachalam Taluk,
Tiruvalluvar Nagar,
SH.10, Cuddalore Main Road,
Virudhachalam, Cuddalore District-606 001.

7.The Revenue Inspector,
Umangalam Firka,
Virudhachalam Taluk,
SH.10, Cuddalore Main Road,
Virudhachalam, Cuddalore District-607 804.

8.The Village Administrative Officer,
Periyakapankulam Village,
Virudhachalam Taluk,
Cuddalore District-607 804.

9.R.Velmurugan

10.P.Ravi

11.P.Dhanasekaran

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 to 8 to consider the petitioner's representation dated 04.02.2019 within a stipulated time fixed by this Hon'ble Court, consequently, to direct the respondents 1 to 8 to remove the encroachment in S.No.264, Odai/Tharisu/Cart Track of Periyakapankulam Village, Virudhachalam Taluk, Cuddalore District made by respondents 9 to 11.

For Petitioner : Mr.R.Anandha Babu

For Respondents : Mr.S.N.Parthasarathi
Government Advocate
for respondent Nos.1 to 8

ORDER

(Order of the Court was made by C.SARAVANAN,J.)

The petitioner has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 8 to consider the petitioner's representation dated 04.02.2019 within a stipulated time fixed by this Court and to consequently direct respondents 1 to 8 to remove the encroachment in S.No.264, Odai/Tharisu/Cart Track of Periyakapankulam Village, Virudhachalam Taluk, Cuddalore District, made by respondents 9 to 11.

2. The case of the petitioner is that respondents 9 to 11 have encroached upon the land in S.No.264, Odai/Tharisu/Cart Track of Periyakapankulam Village, Virudhachalam Taluk, Cuddalore District.

3. Today, the learned Government Advocate, Mr.S.N.Parthasarathi, has filed a counter affidavit of the sixth respondent/Tahsildar, Vriddhachalam, stating that steps have been taken under the provisions of the Tamil Nadu Land Encroachment Act, 1905 to remove the encroachment complained of. Paragraphs 5 and 6 of the said affidavit read as under:

"5. It is submitted that as per the instructions issued by this respondent, the Village Administrative Officer of Periyakappankulam Village and the Revenue Inspector, Umangalam Firka inspected the said land and submitted reports stating that Mr.Arumugam, the petitioner herein is living in the said Periyakappankulam Village and he has owned lands in Survey No.263/1B - 1.78.5 Hec and 263/2 - 0.19.0 Ares in the said Village and the petitioner is using the land in Survey No.264 (Classified as Tharisu) and the land in Survey No.281 (Classified as Odai Poramboke) as pathway to reach his lands and further the report also stated that Tvl. Velmurugan s/o Rajavel (9th respondent herein), Ravi s/o Palani (10th respondent herein), Dhanasekaran s/o Palani (11th respondent herein) and Arumugam s/o Manickam (the petitioner herein) have encroached the lands in Suvey No.264, which is classified as Tharisu and have cultivated 'Cashew Trees' in addition to the above the 9th respondent have also encroached the Odai Poramboke land in Survey No.281 to an extent of 2.00 Acres by putting and erecting cement post with Iron Steel wires which is hindrance to the petitioner to reach his land in Survey No.263/1B and 263/2.

6. It is submitted that on receipt of the above reports, this respondent has issued notice under section 7 of Tamil Nadu Land Encroachment Act 1905 in Na.Ka.A1/2046/2019 on 20.09.2019 to the encroachers including the petitioner directing them to remove the encroachments. It is submitted that this respondent is taking effective steps to evict the encroachments. It is pertinent to submit that the petitioner himself is an encroacher and hence he has no right to file the present Writ Petition. However, this respondent humbly submits that the encroachments will be evicted following due process of law and the Government lands would be maintained without any encroachment in future. It is submitted that the other contentions of the petitioner have no merits and deserves no consideration and liable to be rejected."

4. We are satisfied with the steps taken by the respondent authorities. Therefore, no further orders are required to be passed in this writ petition, except to direct the respondent authorities to remove the encroachments by following due process of law.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.27839 of 2019 is closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

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To:

- 1.The Principal Secretary to Government,
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Revenue Department,
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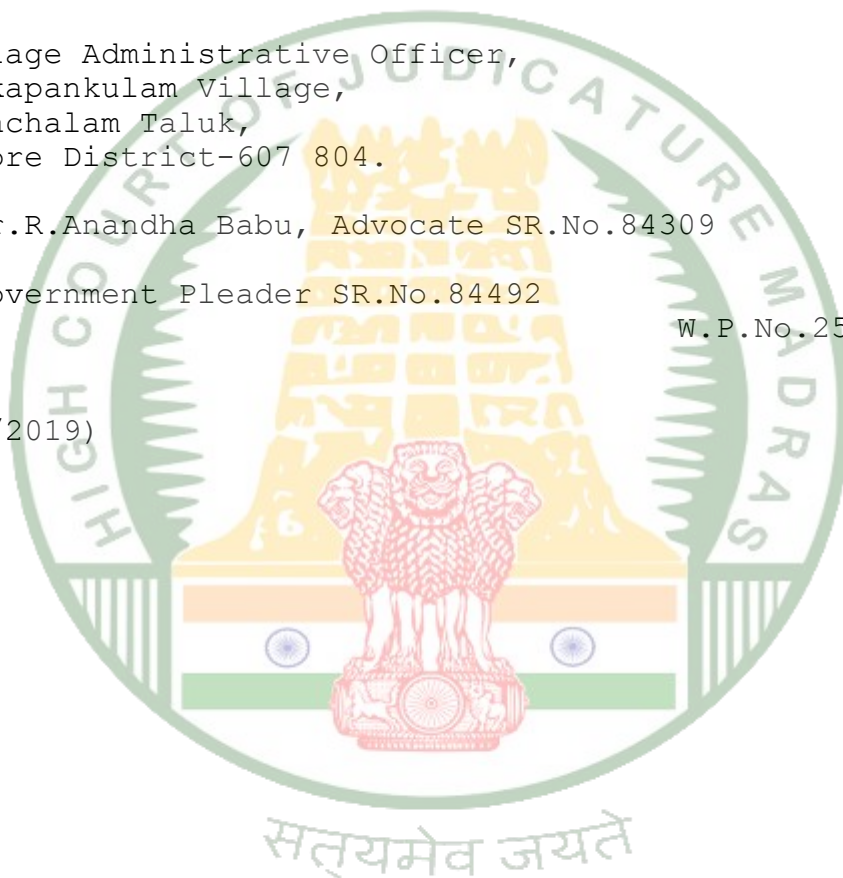
8.The Village Administrative Officer,
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Cuddalore District-607 804.

+2cc to Mr.R.Anandha Babu, Advocate SR.No.84309

+1cc to Government Pleader SR.No.84492

W.P.No.25407 of 2019

RK(CO)
GMY(24/10/2019)



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