

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.12.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.33635/2019

K.Arumugam

.. Petitioner

Versus

1.The District Collector
Cuddalore District, Cuddalore.

2.The Revenue Divisional Officer
Cuddalore, Cuddalore District.

3.The Tahsildar
Panruti Taluk, Cuddalore District.

4.Selvam

5.Kamalvalli

6.Kaliyammal

7.Elumalai

8.Rasu

9.Ezhaikanni

10.Rukmani

11.Karuppayee

12.Malkovai

13.Ravi

14.Dhanavel

15.Govindasamy

16.Valli

17.Dharmalingam

18.Selambayee

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 to take appropriate action to remove the encroachment made by the private respondents and others based on the representation dated 10.02.2019 in the light of the decree dated 24.01.2008 passed in OS.No.246 of 2007 on the file of the District Munsif Court, Panruti, Cuddalore District in

respect of the land comprised in Survey No.110/1, 110/2, 110/4 and 110/5 measuring to an extent of 1.06.5 ares situate at Nadukuppam Post, Panruti Taluk, Cuddalore District, within a stipulated time.

For Petitioner : Mr.D.S.Thirumavalan

For RR1 to 3 : Mr.Akhil Akbar Ali, GA

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal. Mr.Akhil Akbar Ali, learned Government Advocate accepts notice on behalf of respondents 1 to 3.
- (2) The petitioner, alleging encroachment on the land admeasuring to an extent of 1.06.5 ares in Village Natham S.No.110/1,2,4 & 5 situate at Nadukuppam Village, Vallam Madura, Panruti Taluk, Cuddalore District, on an earlier occasion, along with Tvl.S.Sabapathi and N.Muruvan, had filed OS.No.246/2017, on the file of the learned District Munsif, Panruti and in the said suit, respondents 3 and 1 were arrayed as defendants, and the said suit was filed for the relief of permanent injunction, restraining the said defendants from granting patta as well as mandatory injunction for removal of encroachment and the said suit came to be decreed ex-parte on 24.01.2008.
- (3) The learned counsel for the petitioner would submit that the fact of the exparte decree as well as the inaction on the part of the official respondents have also been brought to the knowledge of the officials concerned for taking immediate and necessary steps to remove the encroachments from the lands and attention of this Court was drawn to the Memo dated 11.12.2018 in Na.Ka.No.A1/5040/2018 of the Sub Collector, Cuddalore District and it was also followed by a representation dated 10.02.2019 to the respondents 1 to 3 and despite receipt and acknowledgment and despite the subsistence of the exparte decree, no action has been taken to remove the encroachment from the land which is also classified as a water body and therefore, the petitioner is constrained to approach this Court by filing this writ petition, styled as a public interest litigation.
- (4) The Court heard the submissions of Mr.Akhil Akbar Ali, learned Government Advocate appearing for respondents 1 to 3 and also perused the materials placed before it.
- (5) This Court, taking into consideration, the submissions made by the learned counsel for the petitioner and without going

into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 3rd respondent to cause inspection of the land comprised in S.Nos.110/1,2,4 7 5 admeasuring to an extent of 1.06.5 ares in Nadukuppam Village, Vallam Madura, Panruti Taluk, Cuddalore District, and also to find out whether the petitioner himself is an encroacher or not and depending upon the result of the inspection, shall take appropriate action in accordance with law, and also by adhering to the principles of natural justice, in the event of any encroachment being found and communicate the decision taken, to the petitioner as well as to the person [s] / encroachers concerned.

(6) The writ petition stands disposed of accordingly. No costs.

(7) Call on 20.01.2020 for filing the status report of the 3rd respondent with supporting documents.

Sd/-

Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Cuddalore District, Cuddalore.

2. The Revenue Divisional Officer
Cuddalore, Cuddalore District.

3. The Tahsildar
Panruti Taluk, Cuddalore District.

Copy to: The Section Officer,
Writ Section, High Court, Madras.

+1CC to Mr.D.S.Thirumavalavan, Advocate, SR.No.101238.

WP.No.33635/2019

CA(CO)
CSR(19/12/2019)