

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.30863/2019

T.Thulasi Dasan .. Petitioner

Versus

1.The State of Tamil Nadu
represented by it Secretary to
Government, Revenue Department
Fort St George, Chennai-600 009.

2.The District Collector
Thiruvallur District, Thiruvallur.

3.The Revenue Divisional Officer
Ponneri Taluk, Ponneri.

4.The Tasildar
Ponneri Taluk, Ponneri.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to pass orders on the representation of the petitioner dated 16.04.2018 and the reminder dated 06.08.2019 and to remove the encroachment in the survey No.147/6, B.N.Kandigai Salai, Koot Road, Tadaperumbakkam Village, Thiruvottriyur High Road, Ponneri Village, Ponneri Taluk, Thiruvallur District.

For Petitioner : Mr.M.Md.Ibrahim Ali

For R1 to R4 : Mr.V.Jayaprakash Narayan, GP

ORDER

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

(1)By consent, the writ petition is taken up for final disposal. Mr.V.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of the respondents 1 to 4.

(2)The petitioner claims to be a resident of Door No.11A, Anna Street, NGO Nagar, Ponneri Taluk, Tiruvallur District and according to him, as per the Village Accounts, S.No.147/6 of B.N.Kandigai Salai, Koot Road, Tadaperumbakkam Village, Thiruvottriyur High Road, Ponneri Village, Ponneri Taluk,

Thiruvallur District, is classified as a Water Body wherein there are very many encroachments in the form of superstructures, housing and commercial entities as well as residential units and some portion of the land is also used for agricultural purposes.

(3) Mr. M. Md. Ibrahim Ali, learned counsel for the petitioner, on instructions, would submit that the petitioner is not an encroacher upon any public land/land belonging to Local Body and the said submission, on instructions, is taken and placed on record.

(4) Attention of this Court was invited to the communication of the Additional Personal Assistant to the District Collector [Land], attached to the Office of the 2nd respondent dated 19.08.2019 in O.Mu.No.16224/2019/A2 addressed to respondents 3 and 4 wherein the representation of the petitioner dated 08.08.2019 was referred to with a direction to take immediate and necessary steps to remove the encroachment and to send a report in that regard and despite the said communication emanated from a superior official, respondents 3 and 4 have failed to take any action and therefore, the petitioner is constrained to approach this Court by filing the present writ petition styled as a Public Interest Litigation.

(5) The Court heard the submissions of Mr. V. Jayaprakash Narayan, learned Government Pleader appearing for the respondents.

(6) This Court, taking into consideration, the above facts and circumstances of the case and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 4th respondent, with the aid of the revenue records, to cause inspection of the land in Survey No.147/6 and find out the classification of the land ; whether any encroachments are there or not? and further find out whether the petitioner is also an encroacher upon any public land and depending upon the result of the inspection, shall take appropriate action in accordance with law, in the event of encroachments being found and the said exercise is to be completed within a period of ten weeks from the date of receipt of a copy of this order and the decision taken in this regard, shall be communicated to the petitioner as well as to the person/s concerned which may include the encroachers.

(7) The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

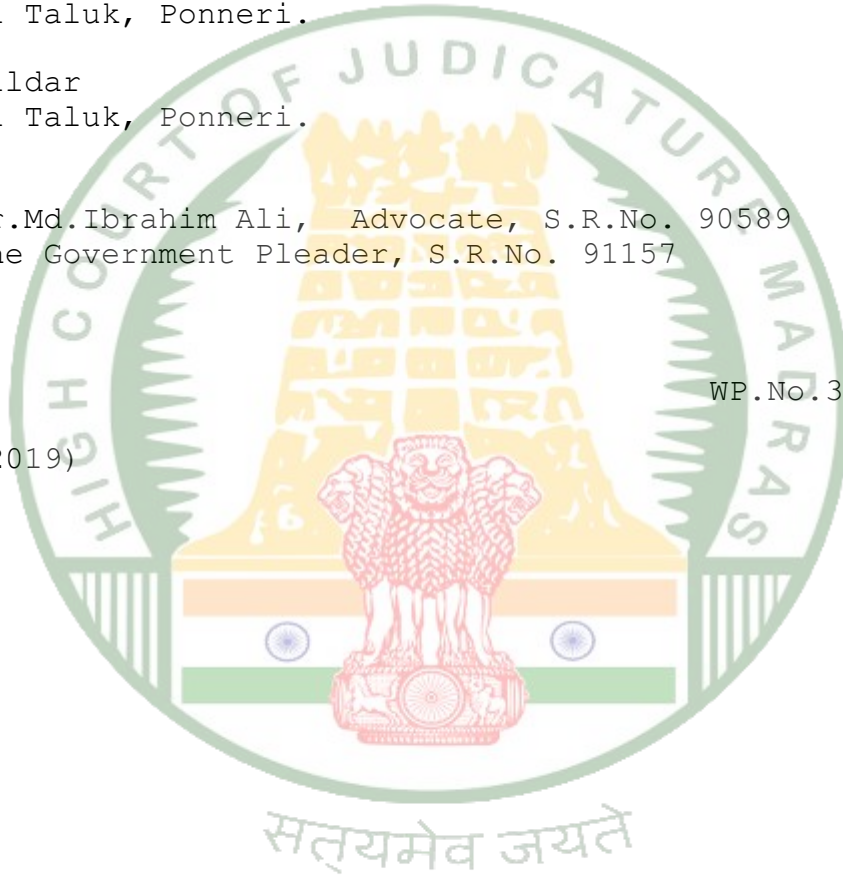
To

- 1.The Secretary to Government,
State of Tamil Nadu
Revenue Department
Fort St George, Chennai-600 009.
- 2.The District Collector
Thiruvallur District, Thiruvallur.
- 3.The Revenue Divisional Officer
Ponneri Taluk, Ponneri.
- 4.The Tasildar
Ponneri Taluk, Ponneri.

+1cc to Mr.Md.Ibrahim Ali, Advocate, S.R.No. 90589
+1cc to the Government Pleader, S.R.No. 91157

EV(CO)
GN(11/12/2019)

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