



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.11.2019

CORAM

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

WP.No.31109/2019

Muthazhagan

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Petitioner

Versus

1.The District Collector  
O/o.The District Collectorate  
Villupuram District.

2.The Tahsildar  
Vikravandi Taluk  
Villupuram District.

3.The Block Development Officer  
[Village Panchayat],  
Vikravandi Panchayat Union,  
Vikravandi Taluk, Villupuram District.

4.R.Deepan  
5.P.Venkatesan  
6.A.Srinivasan  
7.N.Perinbam

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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 and 2 to direct the 3<sup>rd</sup> respondent to remove the encroachment made by the respondents 4 to 7 and others in S.No.330/1 and 331 of Moongilpattu Village, Vikravandi Taluk, Villupuram District, which is classified as 'Government Street Poramboke' in Revenue records by implementing the letter of the 3<sup>rd</sup> respondent in Na.Ka.No.Aa2/2254/2018, dated 19.08.2019.

For Petitioner : Mr.R.Bakayaraj

For RR 1 to 3 : Mr.V.Jayaprakash Narayan  
Government Pleader



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 3.

(2) The petitioner claims to be a permanent resident of Moongilpattu Village, Vikravandi Taluk, Villupuram District and according to him, he is the owner of the house site admeasuring to an extent of 1.86 hectares in the said Village and he has also been issued with Ryotwari Patta bearing No.490 by the Revenue Department. According to the petitioner, in the street in which he is residing, right in front of his house, the land has been classified as 'Government Street Poramboke' as per the revenue records and the said street is the only access to his patta land. The grievance now expressed by the petitioner is that the private respondents had encroached upon the said land in Old S.No.119 [Part] New S.No.331 and started putting up thatched sheds/houses and it was also brought to the notice of the concerned officials.

(3) The learned counsel for the petitioner has drawn the attention of this Court to the communication of the 2<sup>nd</sup> respondent dated 27.06.2019 in Na.Ka.A1/5215/2018 addressed to the 3<sup>rd</sup> respondent as well as the communication of the 3<sup>rd</sup> respondent dated 19.08.2019 in Na.Ka.Aa2/2254/218 addressed to the 2<sup>nd</sup> respondent as well as to the Inspector of Police, Vikravandi Police Station, Villupuram, as to the removal of the encroachment pursuant to the action taken under the provisions of the Tamil Nadu Land Encroachment Act, 1905, and though last of such communication was during August 2019, nothing is happening thereafter and therefore, the petitioner is constrained to approach this Court by filing the present writ petition for removal of the encroachment.

(4) Mr.V.Jayaprakash Narayan, learned Government Pleader appearing for the respondents 1 to 3 would submit that in the light of the above cited communications, speedy and appropriate action will be taken strictly in accordance with law for removal of encroachment after putting the encroachers on notice.

(5) This Court has considered the rival submissions and also perused the materials placed before it.

(6) This Court, taking into consideration, the above facts and circumstances as well as the arguments advanced by the learned counsel for the petitioner and without going into the merits of the claim projected by the petitioner, directs the respondents 2 and 3 to proceed in accordance with law



for removal of encroachments said to have been caused by the private respondents and others, in respect of the land in Old S.No.119 [Part] New S.No.331 at Moongilpattu Village, after putting them on notice and complete the said exercise within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner, private respondents as well as to the other encroachers, if any.

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

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector  
O/o.The District Collectorate  
Villupuram District.

2.The Tahsildar  
Vikravandi Taluk  
Villupuram District.

3.The Block Development Officer  
[Village Panchayat],  
Vikravandi Panchayat Union,  
Vikravandi Taluk, Villupuram District.

+lcc to Mr.R.Bakayaraj, Advocate SR.91765  
+lcc to the Government Pleader SR.91808

WP.No.31109/2019

AD(CO)  
CB(06/12/2019)