

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.33702 OF 2019

R.Viswanathan

...Petitioner

Vs

1. The Collector, Cuddalore District,
Cuddalore-607001.
2. The Block Development Officer,
Kurinjipadi, Kurinjipadi Taluk,
Cuddalore District.
3. The Tahsildar, Cuddalore-1.Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to handover possession of the property bearing New S.No.212/8 Hec. 0.28.0 = Old S.No. 349/4 Ac. 0.69 in Kayalpattu Village, Cuddalore Taluk, Cuddalore District after removing the illegal super structure to the petitioner.

For Petitioner	:	Mr.R.Gururaj
For Respondents 1 & 3	:	Mr.T.M.Pappiah, SGP
For Respondent-2	:	Mr.E.Balamurugan, SGP

ORDER

Mr.T.M.Pappiah, learned Special Government Pleader accepts notice for respondents 1 and 3. Mr.E.Balamurugan, learned Special Government Pleader accepts notice for the second respondent. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner seeks a direction to the respondents not to hand over possession of the property bearing New S.No.212/8 Hec. 0.28.0 = Old S.No. 349/4 Ac. 0.69 in Kayalpattu Village, Cuddalore Taluk, Cuddalore District to the second respondent, as the petitioner claims the same as his patta lands, which, according to the petitioner, have been unauthorizedly utilized by the second respondent to form a park and put up a superstructure.

3. In this regard, the petitioner sent representations to the authorities concerned and they have been forwarded to the Tahsildar concerned to examine as to whether any encroachment is made in the petitioner's patta lands at the behest of the second respondent to put up a superstructure.

4. Considering the nature of dispute raised by the petitioner, the writ petition is disposed of with a direction to the third respondent to conduct an inspection of the area concerned with the assistance of a surveyor and in the presence of the petitioner, so that the area can be measured and ascertain as to whether there is any encroachment in the petitioner's patta lands and if so, appropriate orders be passed by the third respondent. On the other hand, if the third respondent finds that second respondent is not at fault, a speaking order shall be passed and communicated to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

RS

To

1. The Collector, Cuddalore District, Cuddalore-607001.
2. The Block Development Officer, Kurinjipadi, Kurinjipadi Taluk, Cuddalore District.
3. The Tahsildar, Cuddalore-1.

+1cc to Mr.D.Baskar, Advocate, S.R.No.101066
+1cc to the Government Pleader, S.R.No.101632

WP.No.33702 of 2019

KJ(CO)
CS/07/01/2020