

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.34597 of 2018

R.Manokar

.. Petitioner

-vs-

- 1.The District Collector,
Office of the District Collector,
Villupuram, Villupuram District-605 602.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Villupuram,
Villupuram District-605 602.
- 3.The Tahsildar,
Office of the Tahsildar,
Vikkiravandi Taluk,
Villupuram District-605 652.
- 4.The Revenue Inspector (Senior Scale),
Anniyar Firka, Anniyur Village & Post,
Vikkiravandi Taluk,
Villupuram District-605 202.
- 5.The Village Administrative Officer,
Kadayam Village,
Nallapalayam Post,
Vikkiravandi Taluk,
Villupuram District-605 701.

6.P.Manikkam

- 7.The Block Development Officer,
Kanai Block, Kanai Village & Post,
Villupuram Taluk & District-605 701.

.. Respondents

(Respondent No.6 - cause title amended
vide order dated 28.01.2019 made in
WMP.No.2617 of 2019 by CJ & MDJ)

(Respondent No.7 impleaded vide order
dt.21.02.2019 made in WMP.No.4447 of 2019 by CJ & MDJ)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st to 5th respondents to remove the encroachment on Government common pathway in comprising Survey Nos.142/1, 143, 144/1 and 145, situated at Kadayam Village, Nallapalayam Post, Vikkiravandi Taluk, Villupuram District within a stipulated time.

For Petitioner : Mr.J.Agni Selvaraju

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for respondent Nos.1 to 5 &
7

Mrs.G.Shabnam
for Mr.K.Kannan
for respondent No.6

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.J.Agni Selvaraju, learned counsel for the petitioner; Mr.S.Kamalesh Kannan, learned Government Advocate for respondent Nos.1 to 5 and 7 and Mrs.G.Shabnam, learned counsel for respondent No.6.

2. The petitioner is seeking direction to respondent Nos.1 to 5 to remove the encroachment on Government common pathway in Survey Nos.142/1, 143, 144/1 and 145 situated at Kadayam Village, Nallapalayam Post, Vikkiravandi Taluk, Villupuram District. According to the petitioner, the said encroachment has been made by respondent No.6.

3. Respondent No.7 i.e., the Block Development Officer, Panchayat Union, Kanai has filed his counter-affidavit, in which it is stated that upon receipt of the letter from the Tahsildar, Vikravandi Taluk, the Block Development Officer took immediate action and issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 to respondent No.6, who had encroached on the said piece of land. The learned Government Advocate stated that notice under Section 7 of the Act was issued on 06.02.2019. In the counter-affidavit, it has been stated that respondent No.6 has also received the notice on 13.02.2019 and the Block Development Officer is taking necessary steps after

consideration of the said reply following the due process of law in relation to the encroachment made by respondent No.6.

4. In view of the above facts, no further orders are necessary at this stage and the writ petition is disposed of. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
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2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Villupuram,
Villupuram District-605 602.

3.The Tahsildar,
Office of the Tahsildar,
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Villupuram District-605 652.

4.The Revenue Inspector (Senior Scale),
Anniyar Firka, Anniyur Village & Post,
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5.The Village Administrative Officer,
Kadayam Village,
Nallapalayam Post,
Vikkiravandi Taluk,
Villupuram District-605 701.

6.The Block Development Officer,
Kanai Block, Kanai Village & Post,
Villupuram Taluk & District-605 701.

+1 CC to Govt. Pleader sr 24663.

+1 CC to Mr.J.Agni Selvaraju, Advocate sr 24121.

+1 CC to Mr.K.Kannan, Advocate sr 24821.

W.P.No.34597 of 2018

SKV(CO)
SP(03/04/2019)