



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.12.2019

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

**W.P(MD)No.26667 of 2019**

L.M.V.Bose Reddy

... Petitioner

Vs.

1.The Tamil Nadu Government,  
Represented by its  
Revenue Secretary,  
St. George Fort,  
Chennai.

2.The District Collector,  
Madurai.

3.The Revenue Divisional Officer(RDO),  
Madurai.

4.The Thasildar,  
Vadipatti Taluk,  
Madurai.

5.The Block Development Officer,  
Vadipatti,  
Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to survey the petitioner's land in Survey No.125/2A2B in Katchakatti Village Group of T.Vadippatti of Madurai District and find out the encroachment of the Kutladampatti Waterfalls road which is laying in the petitioner's aforesaid survey number land based on the proceedings of the fifth respondent in Na.Ka.No.884/2019/A4 dated 19.07.2019 and consequently directing the respondents to hand over the encroachment land to him based on the representation dated 30.12.2011, 18.05.2018 and 12.11.2019 within a reasonable time that may be stipulated by this Court.

For Petitioner : Mr.A.B.Natarajan

For R-1 to R-4 : Mr.M.Rajarajan,  
Government Advocate



**ORDER**

Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents 1 to 4.

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2. In view of the nature of the order going to be passed in this writ petition, notice to the fifth respondent is dispensed with.

3. This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to survey the petitioner's land in Survey No.125/2A2B in Katchakatti Village Group of T.Vadippatti, Madurai District and find out the encroachment of the Kutladampatti Waterfalls road, which is laying in the petitioner's land in the aforesaid survey number based on the proceedings of the fifth respondent in Na.Ka.No.884/2019/A4 dated 19.07.2019 and consequently, directing the respondents to hand over the encroached land to him based on the representations dated 30.12.2011, 18.05.2018 and 12.11.2019 within a reasonable time that may be stipulated by this Court.

4. Considering the scope of the writ petition, without going into the merits of the case, after hearing the submissions made by the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 4, the following order is passed in the writ petition.

5. From the typed set of papers, it is seen that the Block Development Officer has already in his communication in ந.க.No.884/2019/அ4 நாள் 19.07.2019 has requested the Tahsildar, Vadipatti Taluk, Madurai, the fourth respondent herein to survey the land belonging to the petitioner. However, till now, it has not been done.

6. It is seen that earlier the lands of the petitioner were surveyed as per the communication of the Tahsildar sent to the Block Development Officer, the fifth respondent herein vide communication in ந.க.FL 159/12(ஆ5) நாள் 28.05.2012. In the said communication, it is stated that the Tar road, which was laid is on the patta land of the petitioner. Despite such finding, no action is taken by the respondents. Therefore, the present writ petition is filed.

7. As referred to above, already there is a communication by the Block Development Officer, dated 19.07.2019. Hence, the fourth respondent is directed to survey the lands once again and ascertain the extent of the land encroached by laying the road on the patta lands of the petitioner and hand over the same to the petitioner after removing the road, within a period of eight weeks from the date of receipt of a copy of this order.



With the above direction, this Writ Petition is disposed of.  
No Costs.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar(CS)

pm

To:

- 1.The Revenue Secretary,  
Tamil Nadu Government,  
St. George Fort, Chennai.
  - 2.The District Collector, Madurai.
  - 3.The Revenue Divisional Officer(RDO), Madurai.
  - 4.The Thasildar, Vadipatti Taluk, Madurai.
  - 5.The Block Development Officer, Vadipatti, Madurai District.
- +1 CC to M/s.M/S.A.B.NATARAJAN, Advocate ( SR-105189[F] dated 16/12/2019 )
- +1 CC to M/s.SPL.GP ( SR-105320[F] dated 17/12/2019 )

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16.12.2019

scr(CO)

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