



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P. No.6200 of 2020

G. Dilli

..Petitioner

Vs.

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Revenue Divisional Officer,
Cheyyar Taluk, Cheyyar,
Thiruvannamalai District.
3. The Tahsildar,
Cheyyar Taluk, Cheyyar,
Thiruvannamalai District.
4. Divisional Engineer,
Highway Department,
Cheyyar, Thiruvannamalai District.

5. K. Thirumalai

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus to direct respondents 1 to 4 to initiate appropriate action against the 5th respondent, who is the encroacher, remove the encroachment of the Government Land comprised in Survey No. 94 & 95, Panamugai Village, Cheyyar Taluk, Thiruvannamalai District and remove the fencing and gate put up by the 5th respondent on the encroached land within a time limit fixed by this Court.

For Petitioner :: Mr.R. Karunakaran

For Respondents:: Mr.P.S. Sivashanmuga Sundaram
Special Government Pleader for
R1 to R4



O R D E R
(Order of the Court was made by N. KIRUBAKARAN, J.)

The petitioner has come before this Court seeking a Writ of Mandamus directing the official respondents to initiate appropriate action against the 5th respondent, who is said to have encroached upon the Government Land comprised in Survey No. 94 & 95, Panamugai Village, Cheyyar Taluk, Thiruvannamalai District and remove the fencing and gate put up by the 5th respondent on the encroached land within a time limit fixed by this Court.

2. Heard Mr.R.Karunakaran, learned counsel for the petitioner and Mr.P.S. Sivashanmuga Sundaram, learned Special Government Pleader for respondents 1 to 4. Notice to the 5th respondent has not been issued since this Court only intends to direct the authorities to take an appropriate decision, with regard to the issue in question, after giving notice to both parties.

3. A perusal of the records namely, chitta, adangal etc, would establish that Survey Nos. 94 & 95 are shown as Government Poramboke and also classified as " road". Only in the said land, the 5th respondent is said to have encroached upon. Taking into consideration, the documents and complaint made by the petitioner that the 5th respondent has encroached upon the property in question, respondents 3 and 4 are directed to conduct a joint survey of the property, which is said to have been enorached upon by the 5th respondent, after giving notice to both parties and thereafter, conduct an enquiry, give a reasonable opportunity to the petitioner and the 5th respondent and thereafter pass appropriate orders as to whether the 5th respondent has encroached upon the property and whether he has to be evicted or not within a period of 12 weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

nv



To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Revenue Divisional Officer,
Cheyyar Taluk, Cheyyar,
Thiruvannamalai District.
3. The Tahsildar,
Cheyyar Taluk, Cheyyar,
Thiruvannamalai District.
4. Divisional Engineer,
Highway Department,
Cheyyar, Thiruvannamalai District.

+2cc to Mr.Karunakaran, Advocate, S.R.No. 21589
+1cc to the Government Pleader, S.R.No. 22160

W.P.No. 6200 of 2020

MG (CO)
GN (15/07/2020)