

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.17143/2020

Maharasu

..Petitioner

Versus

1. The District Collector,
Perambalur.
2. The Revenue Divisional Officer
Perambalur.
3. The Tahsildar
Veppanthattai
Perambalur District.
4. Elavarasan
5. Chandrakaasu
6. Chandrasekar
7. Kaviarasan
8. Chelladurai

..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 to 3 to initiate appropriate action on his representations dated 02.06.2020 and 07.02.2020 for removal of the illegal encroachment committed by the respondents 4 to 8 in S.No.464/5 which is classified and used from time immemorial as Cart Track in Anukur Kudikaadu Village in Veppanthattai Taluk, Perambalur District.

For Petitioner : Mr.S.Sudarshan
For RR 1 to 3 : Mr.M.Elumalai
Additional 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 and is disposed of by this order.
- (2) Mr. M. Elumalai, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.
- (3) The petitioner is a resident of Anukur Kudikaadu Village, Veppanthattai Taluk, Perambalur District and according to him, he is the lawful owner of the lands comprised in S.Nos. 464/4B and 464/3H2 and the said lands are situate to the west of the land in S.No. 464/5 which is classified as 'Tharisu Anaadeena' and 'Cart Track' [tz; o ghij] in the revenue records. It is the specific case of the petitioner that he have access to the lands in S.No. 463/4B, 463/7A, 463/7B and 463/8 through 15 feet road in S.No. 464/3H2 branching out from the said road running between Anukur Kudikaadu and Vadakku Madhavi Villages on the Western side. The petitioner would further state that the land in S.No. 464/4B and 464/3H2 belongs to him ancestrally and he is in peaceful possession and enjoyment of the said lands for himself and also on behalf of his wife who is the purchaser of the lands in S.No. 463/7A and 7B. The grievance expressed by the petitioner is that the respondents 4 to 8 who are residents of the said village and who are enmical to him, have started encroaching the lands in S.No. 464/5 classified as 'Cart Track' which are kept for public purposes and in this regard, two representations dated 02.06.2020 and 07.07.2020 respectively have been submitted and despite receipt and acknowledgment, no response is forth coming and hence, the petitioner is constrained to approach this Court by filing this writ petition.
- (4) The learned counsel for the petitioner would submit that the petitioner, in support of his claim, has also filed typed set of documents containing Settlement 'A' Register, Field Measurement Book, Combined Sketch etc., and in the light of the overwhelming records, there may not be any difficulty on the part of the official respondents to remove the encroachments caused by respondents 4 to 8 and prays for appropriate orders.
- (5) The Court heard the submissions of Mr. M. Elumalai, learned Additional Government Pleader appearing for the respondents 1 to 3 and also perused the materials available on record.
- (6) Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances and without

going into the merits of the claim projected him, either in his representations or in this writ petition, directs the 3rd respondent, with the help of the jurisdictional Surveyor, to cause survey and inspection of the land in S.No.464/5 of Anukur Kudikaadu Village, with the aid of the relevant revenue records and if the survey and inspection reveals any encroachment on the part of the private respondents and also by any other persons, the 3rd respondent shall follow due process of law, by also adhering to the principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner, respondents 4 to 8 as well as to any other person/s concerned.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector,
Perambalur.
2. The Revenue Divisional Officer
Perambalur.
3. The Tahsildar
Veppanthattai
Perambalur District.

+1cc to Mr.S.Subramanian, Advocate, SR39833

WP.No.17143/2020

CO (PM)
BDL/28/12/2020