

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

W.P.No.19341 of 2020

P.Velu

... Petitioner

Vs.

1.The District Collector,
Ariyalur District,
Ariyalur.

2.The Revenue Divisional Officer,
Udayarpalayam Division,
Ariyalur District.

3.The Thasildhar,
Sendurai Taluk,
Ariyalur District.

4.G.Thangarasu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the third respondent to take appropriate action for restoring the pathway in S.F.No.397/18 of Vanjinapuram Village, Sendurai Taluk, Ariyalur District in terms of the revenue records.

For Petitioner : Mr.S.Kamadevan
For R1 to R3 : Mr.S.Kamalesh Kannan
Government Advocate

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)
(Through Video Conferencing)

The petitioner would state that his father is the owner of the house site in Natham Survey No.397/20 of Vanjinapuram Village, Sendurai Taluk, Ariyalur District, admeasuring an extent of 0.01.27 Ares, and has put up a superstructure and it is also subject to statutory levies. The petitioner would

further aver that the 4th respondent has been granted patta for the house site in S.F.No.397/19 and at the time of Natham Survey and Settlement of land, S.F.No.397/18, admeasuring an extent of 0.00.31 Ares with two metres width, has been fixed as pathway to reach the house site, and the petitioner claims that they are using the same for quite long years, and it is also recorded in the revenue records. The petitioner, alleging encroachment on the part of the 4th respondent on the said pathway, submitted a representation, dated 27.06.2018, and acting upon the same, the 3rd respondent has issued a notice, dated 13.07.2018, under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, followed by notice, dated 07.09.2018, under Section 6 of the said Act.

2.Learned counsel appearing for the petitioner would submit that, despite lapse of very many years, no further steps have been taken to remove the encroachment on the pathway, and the petitioner, in this regard, has also submitted a representation, dated 25.09.2020, to the 1st respondent with a copy marked to the respondents 2 and 3, and despite receipt and acknowledgment, no further steps have been taken to remove the encroachment, and prays for appropriate orders.

3.Mr.S.Kamalesh Kannan, learned Government Advocate, accepts notice on behalf of the respondents 1 to 3, and would submit that the Revenue Divisional Officer, Sendurai, is the competent officer to take appropriate action, and further steps will be taken to remove the encroachment.

4.This Court has considered the rival submissions and also perused the materials placed before it.

5.A perusal and consideration of the materials would prima facie disclose that, despite the issuance of notices under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905, further steps to remove the encroachment have not been taken. This Court, taking into consideration the above said facts and circumstances, without going into the merits of the claim as projected by the petitioner either in his representation or in the present writ petition, directs the 3rd respondent as well as the Block Development Officer, Sendurai, Ariyalur District, in coordination with each other, to once again cause inspection of the land in S.F.No.397/18 in Sendurai Taluk, Ariyalur District, by putting the petitioner as well as the 4th respondent on notice, and if the result of the survey and inspection reveals any encroachment/unauthorised construction or combination of both by the 4th respondent or any other person(s), shall take immediate and necessary steps in accordance with law and also by adhering to the principles of natural justice, and shall complete the said exercise within a period of ten weeks from the

date of receipt of a copy of this order/uploading of this order in the website, and communicate the decision taken to the petitioner and the 4th respondent and other persons concerned/encroachers.

This writ petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The District Collector,
Ariyalur District,
Ariyalur.
 - 2.The Revenue Divisional Officer,
Udayarpalayam Division,
Ariyalur District.
 - 3.The Thasildhar,
Sendurai Taluk,
Ariyalur District.
 - 4.The Block Development Officer
Sendurai, Ariyalur District
- +1 CC to Mr.S.Kamadevan, Advocate sr 41986.

W.P.No.19341 of 2020

AJS (CO)
SP(03/02/2021)

सत्यमेव जयते

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