

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

WP.NO.18653/2020

[VIDEO CONFERENCING]

K.Veerasamy

.. Petitioner

Versus

1. The Tahsildar
Ulundurpet Taluk
Kallakurichi District.

2. The Inspector of Police
Ulundurpet Police Station
Ulundurpet Taluk
Kallakurichi District.

3. N.Sevi Padayachi
4. S.Balamurugan
5. S.Govindan
6. S.Selvi

... 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 and 2 to implement the orders in Na.Ka.A3/7761/2018 dated 12.10.2020 passed by the 1st respondent by removing the respondents 3 to 6 from S.Nos.609/16 and 609/17, Adhanur Village, Ulundurpet Taluk, Kallakurichi District by considering the petitioner's representation dated 06.10.2020.

For Petitioner : Mr.N.Manokaran

For R1&R2 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER1

[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. R. Vijayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 1 and 2.

(3) The petitioner claims to be a resident of Door No. 65, comprised in S.No. 610/2, Adhanur Village, Ulundurpet Taluk, Kallakurichi District and apart from ownership of their ancestral property in S.No. 610/2, the petitioner and his family members were in possession and enjoyment of the land classified as 'Gramanatham' admeasuring to an extent of 4 cents in S.Nos. 609/16 and 609/17 and the private respondents also started claiming over the said lands and tried to forcibly evict the petitioner and his family members. In the light of the inter-se dispute, which also lead to law and problem, a Peace Committee Meeting was held and pursuant to the possession taken on 10.11.2018, the petitioner and the family members had vacated the lands in their possession in S.Nos. 609/16 and 609/17 at Adhanur Village and however, respondents 3 to 6 had encroached upon a portion of the said land as early as on 05.10.2020 and started altering the physical features and in this regard, a representation has also been given and despite receipt and acknowledgment, nothing is moving forward and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

(4) The learned counsel for the petitioner has drawn the attention of this Court to the Communication of the 1st respondent dated 12.10.2020 in Na.Ka.No.A3/7761/2018 addressed to the 2nd respondent and would submit that admittedly, the private respondents had caused encroachment upon the said land in S.Nos. 609/16 and 609/17 on 05.10.2020 and put up a fence and that no action has been taken to remove the encroachments caused by the private respondents and prays for appropriate orders.

(5) Per contra, Mr. R. Vijayakumar, learned Additional Government Pleader appearing for respondents 1 and 2 would submit that in the light of the materials available in the typed set of documents, steps would be taken to remove the encroachment caused by respondents 3 to 6 by following due process of law.

(6) This Court has considered the rival submissions and also perused the materials placed before it.

(7) This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the 1st respondent to cause inspection of the land in S.Nos. 609/16 and 609/17 with the aid and assistance of the 2nd respondent and if the result of the inspection discloses encroachment on the part of respondents 3

to 6 or any other persons, shall put them on notice and thereafter follow due process of law and remove the encroachment as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner, respondents 3 to 6 as well as other person/s concerned/encroachers if any.

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Tahsildar,
Ulundurpet Taluk,
Kallakurichi District.

2. The Inspector of Police,
Ulundurpet Police Station,
Ulundurpet Taluk,
Kallakurichi District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.41068

WP.No.18653 of 2020

SSD(CO)
CS/18/01/2021

सत्यमेव जयते

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