

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.19980 of 2020

A.R.Venkatesh

... Petitioner

Versus

1.District Collector,
Chengalpet District,
GST Road,
Chengalpet – 603 001

2.The Tahsildar,
Thiruporur Taluk Office,
Chengalpet Road, Thiruporur – 603 110

3.P.Sanmugam

4.Dhamodharan

5.Elumalai

... Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents 1 and 2 to take appropriate steps to remove the encroachers, the

Respondents 3 and 5 and their encroachments from the Government Eri Poromboke land comprised in Survey Nos.144, 146 and 149 at Kunnapattu Village, Chengalpet Taluk, Kancheepuram District by considering the representation dated 08.07.2020 and also the representation dated 30.10.2020 within a time to be stipulated by this Court.

For Petitioner : Mr.P.Udhayashankar

For R1 and R2 : Ms.R.J.Radhika,
Government Advocate

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner claims to be the owner of punjai lands admeasuring an extent of about 3 Acres and 1 cent comprised in S.F.Nos.145/3A, 145/3B and 147K, Kunnapattu Village, Chenglepet Taluk, Kancheepuram District, through registered Sale Deeds vide Doc.Nos.115/2011, 1031/2011, 2678/2011, 2679/2011 & 2680/2011, registered on the file of the Sub Registrar, Thirukalukundram. The petitioner alleging encroachments in S.F.No.144, admeasuring an extent of 14.77.0 hectare, which is the access road to his lands in S.F.No.145/A and 3B and 3C, has submitted representations to remove the same.

2. The learned counsel appearing for the petitioner would submit that

the Revenue Inspector, Paiyanur Firka, has submitted an Internal Report dated 20.07.2020, stating among other things that as per the revenue records, the land comprised in S.F.No.144, admeasuring an extent of 14.77.0 hectare is classified as water body, in which 13 persons are in occupation and steps are taken to remove the encroachments and law and order problem is being created and also sent a report to the concerned jurisdictional officials.

3. The learned counsel appearing for the petitioner would submit that the petitioner, in this regard, has submitted repeated representations dated 30.10.2020 and despite receipt and acknowledgment, no steps have been taken and hence he is constrained to approach this Court by filing this Writ Petition.

4. Ms.R.J.Radhika, learned Government Advocate accepts notice on behalf of the respondents 1 and 3.

5. 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 by the petitioner, either in his representations, or in this Writ Petition, directs the 2nd respondents to act on the communication of the Revenue Inspector, Paiyanur Firka, dated 20.07.2020 and it is also open to him to cause inspection of the pathway leading to S.F.No.145/3A, 3B and 3C and S.F.No.147 as well as S.F.No.144 of Kunnapattu Village, Chenglepet Taluk, Kancheepuram District, with the help of jurisdictional Surveyor, after putting on notice the petitioner and if the result of the inspection, reveals any infraction or unauthorised occupation, etc., in respect of the land in S.F.No.144, shall take immediate, necessary and appropriate action, in accordance with law and by also adhering to the principles of natural justice, by putting on notice the respondents 3 to 5 and any other persons concerned and complete the said exercise within a period of 10 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 as well as the respondents 3 to 5 and also to any other persons concerned.

6. The Writ petition stands disposed of, accordingly. No costs.

[M.S.N.,J] [R.H., J]
23.12.2020

sk

Internet : Yes/No

Index : Yes/No

To

1.District Collector,
Chengalpet District,
GST Road,
Chengalpet – 603 001.

2.The Tahsildar,
Thiruporur Taluk Office,
Chengalpet Road, Thiruporur – 603 110

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M.SATHYANARAYANAN, J.,
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