



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.14149 of 2021

M.Chinnaponnu

... Petitioner

Vs

1.The District Collector,
Perambalur District,
Perambalur.

2.The Revenue Divisional Officer,
Perambalur Revenue Division,
Perambalur, Perambalur District.

3.The Tahsildhar,
Veppanthattai Taluk,
Perambalur District.

4.The Block Development Officer,
Veppanthattai Town and Taluk,
Perambalur District.

5.Thangadurai

6.Andaal

7.Unnamalai

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, directing the Respondents 1 to 4 to remove encroachments comprised in Survey No.206/3 situated at Perunila Village, Veppanthattai Taluk, Perambalur District based on the representation of the Petitioner dated 09.09.2020.

For Petitioner : Mr.C.Prabakaran.

For Respondents: Mrs. R.Anitha,
State Government Counsel for R1 to R3.

Ms.Akila Rajendran for R4.



O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".

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2.The Petitioner contends that the land comprised in Survey No.206/3 measuring to an extent of 1.59 Hectares situated at Perunila Village, Veppanthattai Taluk, Perambalur District is meant for irrigation purposes and also for drinking purposes for cattle, is said to have encroached upon by the private Respondents by putting up sheds.

3.It is evident from the communication issued by the District Collector, Perambalur to the Tahsildar, Perambalur dated 16.09.2020 that the First Respondent / District Collector has directed to take action on the Petitioner's representation, based on which, the Fourth Respondent / Block Development Officer has sent a communication dated 07.10.2020 to the Petitioner as well as to one Mr.Pachamuthu to remove the encroachments. However, since no action has been taken, the Petitioner has come before this Court.

4.Heard Mr.C.Prabakaran, Learned Counsel for the Petitioner, Mrs.R.Anitha, Learned State Government Counsel for the Respondents 1 to 3 and Ms.Akila Rajendran, Learned Counsel for the Fourth Respondent.

5.It is seen that not only some third parties, but also the Petitioner is said to have encroached upon the said property, which is evident from the communication dated 07.10.2020 issued by the Block Development Officer, wherein, it is stated that not only one Mr.Pachamuthu, but also the Petitioner has encroached upon the said property. From the photographs filed before this Court, it is evident that some third parties have encroached upon the property and put up sheds.

6.Therefore, there shall be a direction to the Third and Fourth Respondents to conduct joint survey of the property comprised in Survey No. 206/3 situated at Perunila Village, Veppanthattai Taluk, Perambalur District on 15.07.2021, after serving notice on the Petitioner as well as the private Respondents and to the concerned parties, and if it is so, find out the extent of encroachments made by both the parties and the Third and Fourth Respondents are thereby, directed to take appropriate action to remove the said encroachments after following the due process of law on or before 06.08.2021. It is made clear that the Petitioner as well as the private Respondents and the parties concerned shall be given notices before taking any action and if any such action is taken without



serving notices on the Petitioner and the private Respondents and the parties concerned, it will be deemed to be violation of Court order for which they are entitled to take contempt proceedings.

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7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ay/rri

To

1. The District Collector,
Perambalur District,
Perambalur.

2. The Revenue Divisional Officer,
Perambalur Revenue Division,
Perambalur, Perambalur District.

3. The Tahsildhar,
Veppanthattai Taluk,
Perambalur District.

4. The Block Development Officer,
Veppanthattai Town and Taluk,
Perambalur District.

+1cc to Mr.C.Prabakaran, Advocate, SR No. 32355

W.P. No. 14149 of 2021

PCH (CO)

B.VC (03/08/2021)