

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.3180 of 2021

S.Srinivasan

...Petitioner

Vs.

- 1.The District Collector,
Chengalpet District,
Chengalpet.
- 2.The Tahsildar,
Office of the Tahsildar,
Thiruporur Taluk,
Chengalpet District.
- 3.The Revenue Inspector,
Office of the Revenue Inspector,
Manamathi Firka, Thiruporur Village,
Chengalpet District.
- 4.The Village Administrative Officer,
Periya Veppedu Village, Thiruporur Taluk,
Chengalpet District.

5.Murugamurthy

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd Respondent to consider and dispose of the Petitioner's Representation dated 19.10.2020 within the time frame fixed by this Honble court and remove the encroachment in S. No.33/10, Ammaiya Kulam, No.77, Katta Kazhani village, Periya Veppedu Panchayat, Thiruporur Panchayat Union, Thiruporur Taluk, Chengalpet District.

For Petitioner : Mr.V.M.Venkatramana

For R1 to R4 : 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 claims to be the owner of 51 cents of punja land comprised in S.No.33/1, 33/2 and 33/3, situated at No.77, Kattakazhani Village, Periya Veppedu Panchayat, Thiruporur Panchayat Union, Thiruporur Taluk, Chengalpet District, vide registered sale deed bearing Document No.1674 of 2020 on the file of the Sub-Registrar's Office, Thiruporur. The petitioner would further state that, apart from purchasing the 51 cents of land, he also owns 3 ½ acres of land in the very same village. It is the specific case of the petitioner that there exists a pond (waterbody), namely, "Ammaiya Kulam", in S.No.33/10 of Kattakazhani Village, and there is also a cart track lying adjacent to the said waterbody. The grievance expressed by the petitioner is that the 5th respondent has encroached upon a part of the said pathway, and started putting up unauthorised construction, and in this regard, a representation, dated 19.10.2020, has also been submitted to the respondents 1 to 4, and a police complaint has also been lodged on the file of the Manampathi Police Station in C.S.R. No.206 of 2020, and however, no action, whatsoever, has been taken to alienate the grievances of the petitioner, and hence, the petitioner is constrained to approach this Court by filing this writ petition.

2.Mr.S.Kamalesh Kannan, learned Government Advocate, accepts notice on behalf of the respondents 1 to 4, and he would submit that, survey and inspection would be caused and depending upon the same, further action would follow.

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

4.Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner either in his representation or in the present writ petition, directs the respondents 2 to 4 to put the petitioner as well as the 5th respondent on notice and cause inspection of S.No.33/10 'Ammaiya Kulam' at Kattakazhani Village, Thiruporur Taluk, Chengalpet District, and thereafter, cause inspection of the land with the aid of the relevant records, and if the result of the inspection reveals any encroachment or unauthorised construction either on the part of the 5th respondent or someone else, shall take immediate, necessary, and appropriate action 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 shall communicate the decision taken to the petitioner and the 5th respondent and any other persons concerned.

This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mkn

To

- 1.The District Collector,
Chengalpet District,
Chengalpet.
- 2.The Tahsildar,
Office of the Tahsildar,
Thiruporur Taluk,
Chengalpet District.
- 3.The Revenue Inspector,
Office of the Revenue Inspector,
Manamathi Firka, Thiruporur Village,
Chengalpet District.
- 4.The Village Administrative Officer,
Periya Veppedu Village, Thiruporur Taluk,
Chengalpet District.

+1cc to the Government Pleader, S.R.No.9514

+1cc to Mr.V.M.Venkatramana, Advocate, S.R.No.8738

W.P.No.3180 of 2021

AK II (CO)
KKV/26/02/2021

WEB COPY