

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2021

CORAM :

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

W.P.No.3219 of 2021

K.Kannan @ Kannappan

... Petitioner

Vs.

- 1.The District Collector,
Office of District Collector,
Villupuram,
Villupuram District.
- 2.The Divisional Engineer,
Highways Department,
Villupuram,
Villupuram District.
- 3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Tindivanam,
Villupuram District.
- 4.The Tahsildar,
MelMalayanur Taluk Office,
Melmalayanur,
Villupuram District.
- 5.The Sub Divisional Engineer,
Highways Department,
Gingee,
Villupuram District.
- 6.The Block Development Officer,
Block Development Office,
Melmalayanur,
Villupuram District.

7.Narayanan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 6 to take necessary steps to remove the Encroachments made by the 7th Respondent herein made on the Highways road porambokku land in Survey Number 18, Kannalam village, Melmalayanur Taluk, Villupuram District and enable free access in the said Road Porambokku land for all public including the petitioner.

For Petitioner : Mr.V.R.Appaswamee

For R1, R3 and R4 : Mr.R.Vijayakumar
Additional Government Pleader

For R2, R5 and R6 : Mr.R.Loganathan
Additional Government Pleader

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 patta land, admeasuring an extent of 0.6.00 Ares, in Survey No.19/7B1, Kannalam Village, and he has also been issued with patta bearing No.429, and he is carrying out agricultural activities. The petitioner would state that the land is located by the side of Gingee-Chetpet Highways, which is also leading to famous Melamalaiyanur Angalamman Temple. It is the specific case of the petitioner that the 7th respondent had encroached upon the land in Survey No.18 of Kannalam Village, which is classified as "Government Poramboke"/Road, and in this regard, a representation dated 09.12.2020 was also submitted to the respondents, and acting upon the same, the 1st respondent, vide proceedings dated 22.12.2020 in Oo.Mu.Aa.5/30150/2020, directed the 4th respondent to look into the matter and take appropriate action, and it is also followed by yet another representation of the petitioner, dated 11.01.2021.

2.Learned counsel appearing for the petitioner would submit that, since no action has been taken for removal of encroachment caused by the 7th respondent upon the public road, the petitioner is constrained to approach this Court by filing this writ petition.

3.Mr.R.Vijayakumar, learned Additional Government Pleader, accepts notice on behalf of the respondents, and on instructions, would submit that the 2nd respondent has requested the 4th respondent to cause survey and inspection of the land in Survey No.18 of Kannalam Village and depending upon the result of the inspection, further action would follow.

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

5.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 4th respondent to act on the above cited Memorandum/communication of the 1st respondent, dated 22.12.2020, also by taking into consideration the request made by the 2nd respondent, shall cause inspection of Survey No.18 of Kannalam Village, after putting the petitioner as well as the 7th respondent on notice, and inform the same to the 2nd respondent, and if the inspection reveals any violation/infracton of any law/rules/regulations, shall take immediate, necessary and appropriate action in accordance with law, 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 as well as the 7th respondent or any other persons concerned.

This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mn

To

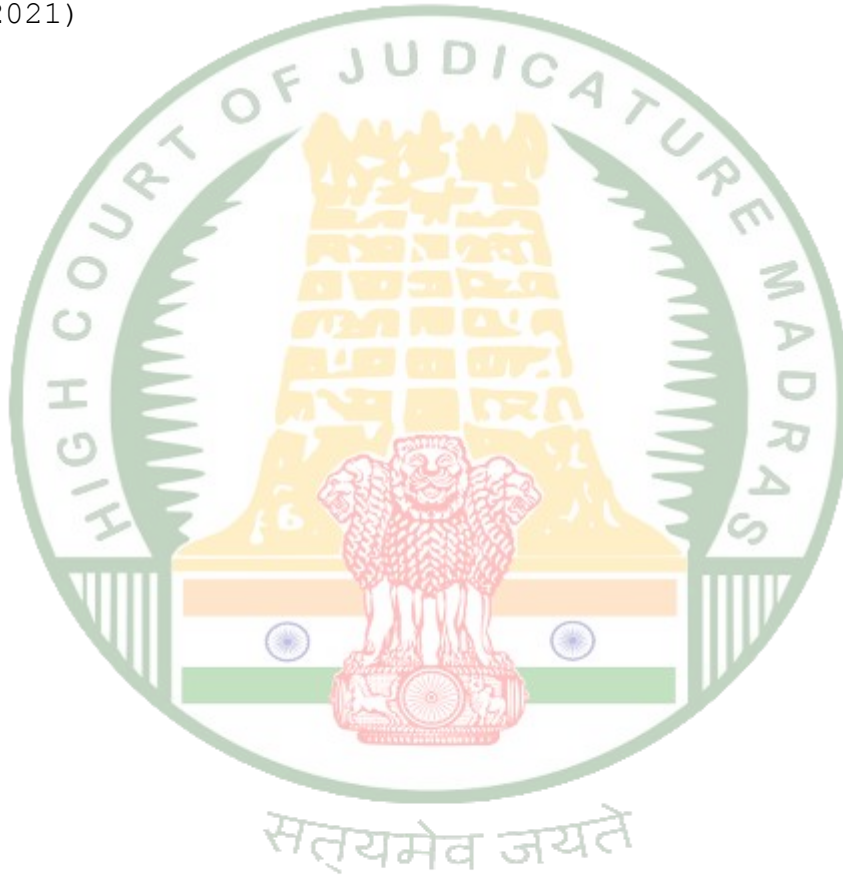
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Block Development Office,
Melamalayanur,
Villupuram District.

+2cc to Mr.Appaswamee, Advocate SR.9161
+1cc to the Government Pleader SR.9553

W.P.No.3219 of 2021

MG (CO)
CB (09/03/2021)



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