

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2021

CORAM

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

WP.No.6474/2021

Y.Sivaraj

.. Petitioner

Versus

1.State of Tamil Nadu rep.by its
Principal Secretary to Government,
Municipal Administration & Water
Supply Department, Fort St George
Chennai 600 009.

2.The Collector,
Thirupathur District,
Thirupathur.

3.The Director,
Municipal Administration
MRC Nagar, Raja Ananmalai Puram
Chennai 600 028.

4.The Regional Director,
Municipal Administration
Sathuvachari,
Vellore District 632 012.

5.The Commissioner
Town Panchayat
Jolarpet, Thirupattur District 635 851.

6.The Tahsildar
Thirupattur, Thirupattur District.

7.The Assistant Engineer [O&M]
TANGEDCO, Jolarpet,
Thirupattur District.

8.Arivusudar

9.Velu

.. 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 to 7 to remove the encroachment made by the 8th and 9th respondents on the property belongs to the 5th respondent panchayat situated in S.No.63/14, D.No.32B/1 1st Ward, Kuppusamy Street, Sunnambukalai Village, Jolarpet, Thirupattur District.

For Petitioner : Mr.S.Doraisamy

For RR 1 to 6 : Mr.R.Vijayakumar
Additional Government Pleader

For R7 : Mr.K.Varun Kumar
Standing counsel

ORDER

[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 to 6 and Mr.K.Varun Kumar, learned Standing counsel accepts notice on behalf of the 7th respondent.
- (3) The learned counsel for the petitioner, on instructions, would submit that the petitioner is not an encroacher upon any Government land / land belonging to the Local Body / water way or water body and the said submission, on instructions, is placed on record.
- (4) Mr.S.Doraisamy, learned counsel for the petitioner has drawn the attention of this Court to the 'A' Register pertains to Sarkaraikuppam Village and would submit that as per the contents of the said 'A' Register, the land in S.No.63/14 is classified as Ryotwari land and the person in possession, is stated as 'President, Panchayat Board' and despite the land in question belong to the Local Body, one Vanitha had committed illegal acts upon the said land and also put up a superstructure and the Local Body has also collected the taxes and on her demise, the private respondents herein came into possession of the said encroached land and continue to remain in occupation illegally and in this regard, the petitioner, apart from making numerous oral representations, has also submitted a written representation dated 02.02.2021 to some of the official respondents and despite receipt and acknowledgment on 03.02.2021, no action whatsoever has been taken and taking advantage of the same, the private respondents are also trying to create third party interest over the said land and hence, prays for appropriate orders.

- (5) Mr. R. Vijayakumar, learned Additional Government Pleader appearing for respondents 1 to 6, on instructions, would submit that based on the report received, the 5th respondent directed survey and measurement of the land in question and it is followed by a Memo dated 10.02.2201 in O.Mu.P2/1096/2021 sent by the office of the 2nd respondent to the 5th respondent to take appropriate action and therefore, appropriate action in accordance with law would be taken at the earliest.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) Though the petitioner has prayed for a larger relief, 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 respondents 5 and 6 to coordinate with each other and cause survey and inspection of the land in S.No.63/14 of Sarkkaraikuppam Village, with the help and aid of relevant revenue records and if the result of the inspection reveals any encroachment and unauthorised construction on the part of the private respondents or any other person/s concerned, shall take immediate, necessary and appropriate action in accordance with law, by also adhering to the principles of natural justice and complete the said exercise within a period of twelve weeks from the date of receipt of a copy of this order / uploading the order in the website and communicate the decision taken, to the petitioner as well as private respondents and any other person/s concerned.
- (8) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

AP

To

1. Principal Secretary to Government,
State of Tamil Nadu
Municipal Administration & Water
Supply Department, Fort St George
Chennai 600 009.

2. The Collector,
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Thirupathur.

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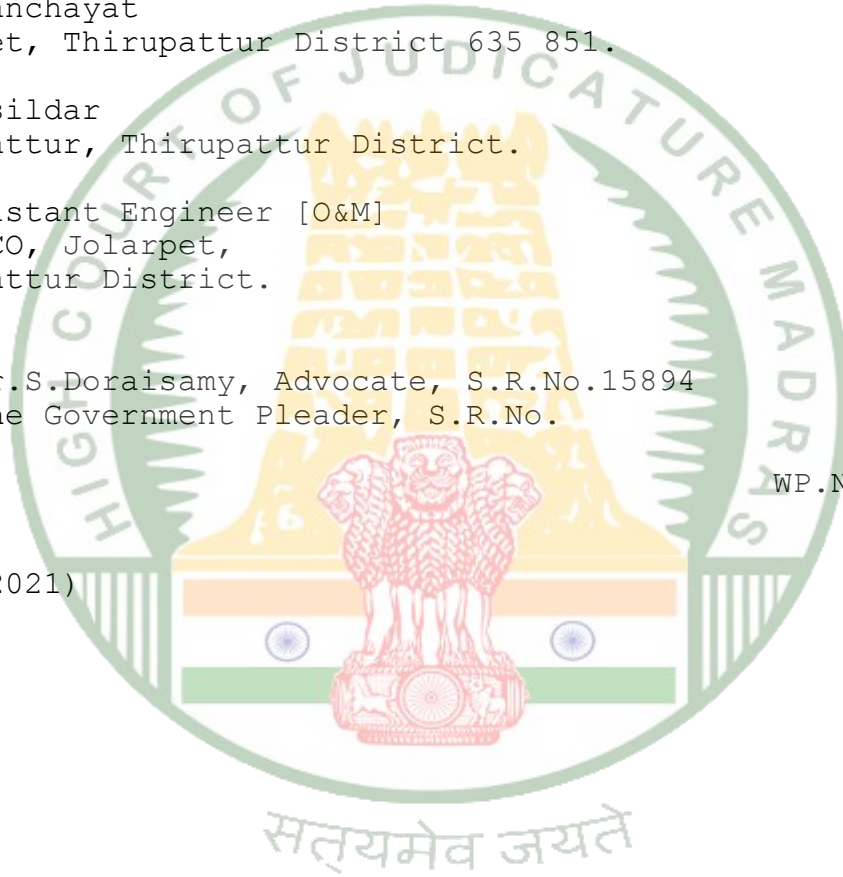
6.The Tahsildar
Thirupattur, Thirupattur District.

7.The Assistant Engineer [O&M]
TANGEDCO, Jolarpet,
Thirupattur District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.15894
+1cc to the Government Pleader, S.R.No.

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PMK(CO)
CB(16/04/2021)



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