

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.03.2021

CORAM

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

W.P.No.7687 of 2021

C.Sadhasivam

..Petitioner

Versus

- 1.The District Collector,  
Ariyalur District,  
Ariyalur.
- 2.The Tahsildar,  
Sendurai Taluk,  
Ariyalur District.
- 3.The Block Development Officer,  
Sendurai Panchayat Union,  
Sendurai, Ariyalur District.
- 4.The President,  
Irumbulikkurichi Village Panchayat,  
Sendurai Taluk, Ariyalur District.
- 5.S.Periyasamy
- 6.P.Selvam

7.K.Ashokan

..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 3 to take appropriate action for removing the encroachments and blockades made in the public road in S.F.No.108/10 and 108/18 of Irumbulikkurichi Village, Sendurai Taluk, Ariyalur District.

For Petitioner :Mr.S.Kamadevan  
For RR 1 to 3 :Mr.R.Vijaya Kumar  
Additional Government Pleader

## ORDER

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

The petitioner claims to be the pattadar of the land admeasuring an extent of 0.0216 ares in S.F.No.108/11, Irumbulikkurichi Village, Sendurai Taluk, Ariyalur Distict. According to him, the private respondents had caused encroachment upon the Street / pathway in S.F.Nos.108 / 7, 10 and 18 of the said Village and thereby, the petitioner is denying access to his land. The petitioner, in this regard, has also submitted number of representations and the 2<sup>nd</sup> respondent vide communication dated 07.06.2012, made in Ka.Mu.A1/2/12, has directed the 3<sup>rd</sup> respondent as well as the Sub Inspector of Irumbulikkurichi Police Station, to take appropriate action for removal of encroachment and thereafter inform the same to the Revenue Inspector of Ponparapi Village and despite a lapse of eight years and odd, no action whatsoever has been taken and last of the representation for removal of encroachment was submitted on 22.02.2021 and prays for appropriate orders.

2. The learned counsel appearing for the petitioner would submit that the official respondents exhibit total insensitivity to the act of encroachment on the part of the respondents 5 to 7 and despite very many representation submitted, no action whatsoever has been taken and left with no other option, 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 1 and 2 and would submit that the representations submitted by the petitioner would be considered and disposal would be given in accordance with law at the earliest.

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

5. A perusal and consideration of the materials would prima facie disclose that the lands in S.F.Nos.108 / 7, 10 and 18, admeasuring to an extent of 0.01.59, 0.00.59 and 0.05.56 respectively of Irumbulikkurichi Village, are classified as common pathway and street. It is a specific case of the petitioner that the private respondents had encroached upon the said street / pathway and denying access, not only to the petitioner but also to other residents.

6. The 3<sup>rd</sup> respondent, as early as on 07.06.2012, has directed the 3<sup>rd</sup> respondent as well as the Sub Inspector of

Irumbulikkurichi Police Station, to look into the complaint and take appropriate action in accordance with law, and also sought for a provision of the police aid and despite a lapse of nearly eight years, nothing has been done to remove the alleged encroachment.

7. 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 representations or in this Writ Petition, directs the respondents 2 to 4 to put the petitioner as well as the private respondents on notice, with the aid of the revenue records, shall cause inspection of lands in S.F.Nos.108 / 7, 10 and 18 of Irumbulikkurichi Village, and if the result of the inspection reveals any infraction / unauthorised construction, or both on the part of the private respondents, or any other persons 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 of the order in the Website.

8. The 1<sup>st</sup> respondent / District Collector is also directed to find out as to whether there is any delay on the part of the respondents 2 to 4 in initiating appropriate proceeding for removal of encroachment and if the result of the enquiry reveals any infraction or delay on the part of the respondents 2 to 4, is also at liberty to take appropriate action in accordance with law and conclude the same as expeditiously as possible.

9. The Writ Petition stands disposed of with the above observations. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

1.The District Collector,  
Ariyalur District,  
Ariyalur.

2.The Tahsildar,  
Sendurai Taluk,  
Ariyalur District.

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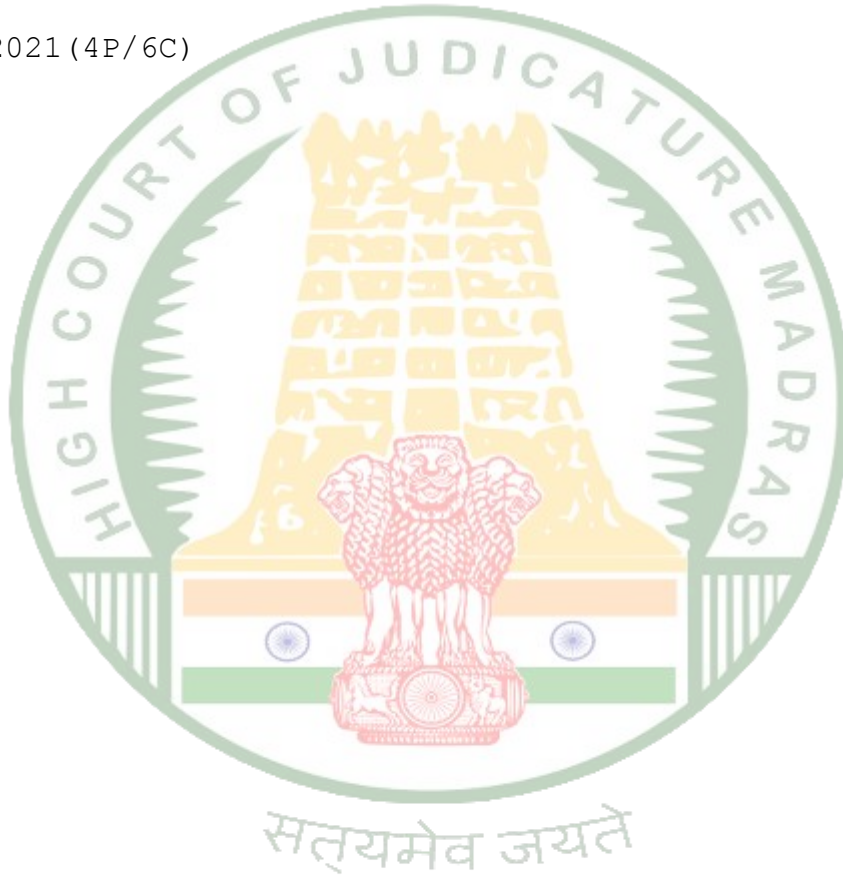
3.The Block Development Officer,  
Sendurai Panchayat Union,  
Sendurai, Ariyalur District.

4.The President,  
Irumbulikkurichi Village Panchayat,  
Sendurai Taluk, Ariyalur District.

+lcc to Mr.S.Kamadevan, Advocate Sr No.19305

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25.03.2021

GPL (CO)  
RG.23.04.2021 (4P/6C)



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