

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.8403/2021

Mrs.P.Manjula

...Petitioner

Versus

1.The District Collector
Perambalur District.

2.The Revenue Divisional Officer
Perambalur Division, Perambalur.

3.The Tahsildar
Veppanthattai Taluk
Perambalur District.

4.The Block Development Officer
[Village Panchayat], Veppanthattai Block
Perambalur District.

5.Mrs.Akila

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to take necessary action on the representation of the petitioner dated 30.09.2019 and consequential reminders and to remove the encroachment made by the 5th respondent on the property being the road situated at SF.No.408/1 of Thevaiyur South Village, Veppanthattai Taluk, Perambalur District and to make it fit for transport within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Ilamurugu

For RR1 to 4 : Mr.S.Kamalesh Kumar
Government Advocate

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.S.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of respondents 1 to 4.
- (3) The petitioner claims to be a resident of Door No.1/102, South Street, Thevaiyur Post, Veppanthattai Taluk, Perambalur District and according to him, the land in S.No.408/1 admeasuring to an extent of 013.98 Ares at Thevaiyur South Village, Veppanthattai Taluk, Perambalur District is classified as 'Natham Street' and the private respondent/5th respondent herein has caused encroachment.
- (4) The learned counsel for the petitioner has drawn the attention of this Court to the Communication of the 4th respondent dated 19.02.2021 bearing No.Na.Ka.No.A5/526/2021, wherein a reference has been made to the application dated 16.11.2020 bearing No.2020/9005/16/835091/1116 submitted by the petitioner and would submit that as per the information furnished, after the inspection caused by the Deputy Block Development Officer, further action will be taken and however, no progress is taking place and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.
- (5) The learned counsel for the petitioner, on instructions, would submit that the petitioner did not encroach upon any public land / land belonging to the Government / water way / water body and the said submissions, on instructions, is placed on record.
- (6) This Court heard the submissions of the learned Government Advocate appearing for the respondents 1 to 4 and also perused the materials placed before it.
- (7) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs respondents 3 and 4 to coordinate with each other and cause inspection of the land in S.F.No.408/1 in Thevaiyur South Village, Veppanthattai Taluk, Perambalur District, with the aid of the relevant revenue records, after putting the petitioner, 5th

respondent and any other person/s on notice and if the result of the inspection reveals any encroachment upon the public land/gramanatham land/street, 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 and communicate the decision taken, to the petitioner as well as 5th respondent and any other person/s concerned.

(8) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
Perambalur District.
- 2.The Revenue Divisional Officer
Perambalur Division,
Perambalur.
- 3.The Tahsildar
Veppanthattai Taluk
Perambalur District.
- 4.The Block Development Officer
[Village Panchayat],
Veppanthattai Block
Perambalur District.

+1cc to M/s.G.Ilamurugu, Advocate, S.R.No.21367

+1cc to the Government Pleader, S.R.No.21910

WP.No.8403/2021

PL(CO)
RN(04/05/2021)