



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 13543 of 2021
and
W.M.P. No. 14406 of 2021

C.Kanniappan

...Petitioner

Vs.

1. The District Collector
Thiruvannamalai District
Thiruvannamalai.
2. The Revenue Divisional Officer
Cheyyar
Thiruvannamalai District.
3. The Tahsildar
Vandavasi Taluk
Thiruvannamalai District.
4. G.Ramesh
5. C.Thangaraj
6. B.C.Veerawamy
7. P.Ganapathy

...Respondents

PRAYER : Petition filed under Section Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the Respondents 1 to 3 to remove the encroachments in part of S.No. 246, Government Poramboke land next to National Highways bypass road (by the Respondents 4 to 7) Mumuni Village, Vandavasi Taluk, Thiruvannamalai District as per the Petitioner's representation dated 06.11.2020.

For Petitioner : Mr. K.R.Krishnan

For Respondents: Mrs. R.Anitha (For R1 to R3)
State Government Counsel
Mr. V.R.Appaswamee (For R4 to R6)



ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

The matter was heard through ''Video Conference''.

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2. The Petitioner has come before this Court seeking for a direction directing Respondent Nos. 1 to 3 to remove encroachments in respect of Government Poramboke land, next to National Highways bypass road at Mumuni Village, Vandavasi Taluk, Thiruvannamalai District, comprised in Survey No. 246, as per the Petitioner's representation dated 06.11.2020.

3. According to the Petitioner, the Private Respondents has encroached upon the Government Poramboke land, next to National Highways bypass road at Mumuni Village, Vandavasi Taluk, Thiruvannamalai District, comprised in Survey No. 246. In this regard, the Petitioner has given a representation on 06.11.2020 to the First to Third Respondents and also made an application on 18.11.2020 under Right to Information Act to the Third Respondent. Thereafter, a reply dated 30.12.2020 to the application filed under Right to Information Act has been received, stating that the file is under process, which has been forwarded to the Revenue Divisional Officer, Vandavasi. Thereafter, the Petitioner also made an another representation dated 01.02.2021 to the Revenue Divisional Officer, Vandavasi Taluk, Thiruvannamalai District. However, the District Collector, Thiruvannamalai has sent a communication in O.Mu. (B1)/3052/2020, dated 29.03.2021 instructing the Tahsildar, Vandavasi to take action, based on the Petitioner's representation dated 06.11.2020. Since no action has been taken thereafter, the Petitioner is before this Court.

4. Heard Mr. K.R.Krishnan, Learned Counsel for the Petitioner, Mrs. R.Anitha, Learned State Government Counsel appearing for the First to Third Respondents and Mr. V.R.Appaswamee, Learned Counsel appearing for the Fourth to Sixth Respondents, perused the materials placed on record, apart from the pleadings of the parties.

5. Though notice sent to Respondent No.7 has been returned with an endorsement as 'left', Mr. V.R.Appaswamee, Learned Counsel represented other Private Respondents and this Court intends to direct the Tahsildar to cause inspection of the subject property only after issuing notice on all parties concerned. Therefore, the interest of the unserved Respondent would also be protected.

6. It is evident from the documents that the Petitioner has given representation as early as 01.10.2020, and the Official Respondents' communications show that they acted upon the representation of the Petitioner, except the Tahsildar,



Vandavasi Taluk, Thiruvannamalai district, who has failed to take action on the representation made by the Petitioner.

7. In view of that, the Third Respondent/ Tahsildar, Vandavasi Taluk is directed to cause inspection of the property comprised in Survey No. 246 at Mumuni Village, Vandavasi Taluk, Thiruvannamalai District, after giving due notice to the Private Respondents as well as Petitioner and find out as to whether any encroachment has been made by the Private Respondents or the Petitioner or any other person on the subject property, within a period of three weeks from the date of receipt of a copy of this order. If the subject property is found to be encroached, the Third Respondent /Tahsildar is directed to take appropriate action to remove the encroachment under due process of law, within a period of twelve weeks, thereafter.

8. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

Maya

To

1. The District Collector
Thiruvannamalai District
Thiruvannamalai.
2. The Revenue Divisional Officer
Cheyyar
Thiruvannamalai District.
3. The Tahsildar
Vandavasi Taluk
Thiruvannamalai District.

+1cc to M/s.K.R.Krishnan, Advocate, Sr.No.33451

+1cc to M/s.V.R.Appaswamee, Advocate, Sr.No.33878

W.P. No. 13543 of 2021

PMK (CO)
KKV/03/08/2021