

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.13759/2020

D.Ranjith Kumar

.. Petitioner

Versus

- 1.The Secretary,
Public Works Department,
Government of Tamil Nadu,
Secretariat, St.George Fort,
Chennai 600 009.
- 2.The District Collector,
Office of the District Collector,
Kanchipuram, Kanchipuram District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Chengelpattu, Kanchipuram District.
- 4.The Tahsildar,
Office of the Tahsildar,
Sriperumbudur, Kanchipuram District.
- 5.The Management
M/s.Saravana Bhavan Hotel,
Sandhavellore Village,

Sriperumbudur Taluk,
Kancheepuram District.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to-consider and dispose of his representation dated 05.08.2020 by removing the encroachment and restoring the public cart track pathway, watercourse and other Government Lands in our Sandhavellore Village.

For Petitioner : Mr.X.Selvam Sounder
For RR 1 to 4 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

The petitioner claims to have purchased an agricultural punja land admeasuring an extent of 0.26 cents in patta S.F.No.123/1A1 at Santhavellore Village, Kanchipuram District, through a registered Sale Deed, bearing Doc.No.567 of 2003 dated 06.03.2003, registered on the file of the office of the Sub Registrar, Walajabad. It is the specific case of the petitioner that there exist a cart track adjacent to his land, which is used by him as well as villagers for transportation purposes and he became aware of the fact that the owner of M/s.Saravana Bhavan Hotels has purchased a vast extent of land from villagers adjacent to the above cart track pathway and during July 2020, some persons acting on behalf

of the said Hotel, came along with their henchman, started filling up the pathway with mud, in order to form out a layout to construct a hotel building. The petitioner, in this regard, has submitted a representation dated 05.08.2020, to the officials concerned and despite receipt and acknowledgment, no action has been taken and therefore, came forward to file this Writ Petition.

2. When the matter was listed on 07.10.2020, there was no representation on behalf of the petitioner and therefore, it was directed to be listed on 14.10.2020 and now it is listed today and Mr.R.Vijayakumar, learned Additional Government Pleader accepted notice on behalf of the respondents 1 to 4 and submitted the communication of the 3rd respondent dated 03.01.2021, in Na.Ka.No.4692/2020/Aa2, addressed to the office of the Government Pleader, High Court of Madras and the contents of the same would disclose among other things that the land in S.F.No.123/8, admeasuring an extent of 0.11.0 ares and S.F.No.122/3, admeasuring an extent of 0.07.0 ares, Sandhavellore Village, Kancheepuram District are classified as 'Cart Track' and adjacent to the Cart Track, the land admeasuring an extent of 005.0 ares in patta S.F.No.122/1A1, stands in the name of the father of the petitioner,

namely, Daiyalan and patta has also been issued to him and along with the patta land, he has also encroached 0.05 cent in S.F.No.123/8, which is classified as 'Cart Track' and on account of private dispute, he has given a false representation.

3. This Court has carefully considered the rival submissions and also perused the materials placed before it. The Letter of the Collector, Thiruperumbuthur, dated 03.01.2021 in Na.Ka.No.4692/2020/Aa2, is taken on file and recorded.

4. 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 3rd respondent to put the persons concerned / encroachers on notice, in respect of the lands classified as 'Cart Track' in S.F.Nos.123/8 and 122/3 of Sandhavellore Village, Sriperumbudur Taluk, Kancheepuram District and follow due process of law, by adhering to the principles of natural justice and complete the said exercise within a period of ten 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 persons concerned / encroachers.

5. The Writ Petition stands disposed of, accordingly. No costs.

[M.S.N.,J] [A.A.N.,J.]
04.01.2021

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Internet: Yes /No
Index: Yes/ No

To

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