



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.14218 of 2021

V.Shanmugasundaram

... Petitioner

Vs

1.The District Collector,
Tiruppur.

2.The Special Officer (Boodan Board),
Tamil Nadu Boodan Board,
2nd Floor, Ezhilagam Campus,
Kamarajar Salai,
Chennai - 5.

3.The District Revenue Officer,
The District Collector office campus,
Tiruppur.

4.Sivavaishnav

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, directing the Respondents 1 to 3 herein to consider my representation dated 29.01.2021 and remove the encroachment made by the Fourth Respondent in Old S.F.No.142, New S.F.No.249/2, Periya Kumarapalayam Village, Dharapuram Taluk, Tiruppur District to an extent of 10.20 acres within the time limit fixed by this Court.

For Petitioner : Mr.B.Gopalakrishnan.

For Respondents : Mrs.R.Anitha,
State Government Counsel for R1 to R3.



O R D E R
(Order of the Court was delivered by N.KIRUBAKARAN, J)

WEB COPY The matter has been heard through "Video Conference".

2. The Petitioner has come before this Court seeking Writ of Mandamus, directing the Respondents 1 to 3 herein to consider the Petitioner's representation dated 29.01.2021 and remove the encroachment made by the Fourth Respondent in Old S.F.No.142, New S.F.No.249/2 situated at Periya Kumarapalayam Village, Dharapuram Taluk, Tiruppur District to an extent of 10.20 acres within the time limit fixed by this Court.

3. According to the Petitioner, the Petitioner's father was the absolute owner of the property comprised in Old S.F.No.142, New S.F.No.249/2 situated at Periya Kumarapalayam Village, Dharapuram Taluk, Tiruppur District to an extent of 10.20 acres and the Fourth Respondent is the owner of the adjacent land in S.F. No. 249/1. The Petitioner's father offered the above said property to Tamil Nadu Boodan Board. Now, the Petitioner has come before this Court stating that the Fourth Respondent has encroached upon the above said property. Since the Fourth Respondent has encroached upon the property belonging to the Tamil Nadu Boodan Board, the Petitioner gave a representation on 29.01.2021. Since the same was not considered, the Petitioner has come before this Court.

4. Heard Mr.B.Gopalakrishnan, Learned Counsel for the Petitioner and Mrs.R.Anitha, Learned State Government Counsel for the Respondents 1 to 3.

5. A perusal of the records especially the A-register extract would show that the property comprised in Old S.F.No.142, New S.F.No.249/2 situated at Periya Kumarapalayam Village, Dharapuram Taluk, Tiruppur District stands in the name of the Second Respondent/Tamil Nadu Boodan Board. The grievance of the petitioner is that the property is said to have encroached upon by the Fourth Respondent.

6. In that event, the Third Respondent is directed to inspect the property after giving notice to the Petitioner and the Fourth Respondent and in their presence, the property has to be measured and find out whether the Fourth Respondent has encroached upon the property of the Second Respondent and if it is so, the Third Respondent shall remove the encroachment made by the Fourth Respondent after following due process of law within a period of four weeks from the date of receipt of a copy of this order.



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7.With the above directions, this Writ Petition is disposed of. No costs.

8.Post the matter for reporting compliance on 06.08.2021.

Sd/-

Assistant Registrar(CS)

// True Copy//

Sub Assistant Registrar

ay/rri

To

1.The District Collector,
Tiruppur.

2.The Special Officer (Boodan Board),
Tamil Nadu Boodan Board,
2nd Floor, Ezhilagam Campus,
Kamarajar Salai,
Chennai - 5.

3.The District Revenue Officer,
The District Collector office campus,
Tiruppur.

+1cc to Mr.B.Kumarasamy , Advocate, S.R.No.32367

W.P. No. 14218 of 2021

NK(CO)
SU(04/08/2021)