



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.P.NO.13222 OF 2020
AND
W.M.P.NO.16343 OF 2020

Selvi

... Petitioner

Vs.

1. The District Collector
and Inspector of Panchayats
Tiruvannamalai District
Tiruvannamalai.
2. The Revenue Divisional Officer
Cheyyar Revenue Division
Cheyyar
Tiruvannamalai District.
3. The Tahsildar
Cheyyar Taluk
Cheyyar
Tiruvannamalai District.

4. Sankar

... Respondents

Prayer :-

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Third Respondent to remove the encroachments and obstructions made by the Fourth Respondent in Natham land in S. No. 107/133, situated at Painginar Revenue Village, Cheyyar Taluk, Tiruvannamalai District as per the proceedings of the Second Respondent issued in O.Mu.Aa5/2312/2820 dated 18.08.2020.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mrs.R.Anitha
State Government Counsel (For R1 to R3)



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

The Petitioner has come before this Court for a direction directing the Third Respondent to remove the encroachments/obstructions made by the Fourth Respondent in the Natham land situated at Painginar Revenue Village, Cheyyur Taluk, Tiruvannamalai District comprised in Survey No.107/133 measuring to an extent of 258 square meter, as per the proceedings of the Second Respondent issued in O.Mu.Aa5/2312/2820 dated 18.08.2020.

2. The Petitioner contends that the Petitioner's father viz., Chithandi got Patta, bearing Manavari Patta No. 79 issued by the Revenue official in his favour during the year 1992 in respect of the said property/Natham land, comprised in Survey No. 107/133 measuring to an extent of 258 square meter and they are in possession and enjoyment of the said property for the past three decades.

3. When things stand so, the Private Respondent has put up a construction in the said land, which is classified as Natham land, preventing the Petitioner to have ingress and egress to his property. Therefore, the Petitioner made representations dated 18.07.2020 and 05.08.2020 requesting the Official Respondents to remove the encroachments made in the aforesaid property.

4. The Second Respondent vide proceedings dated 18.08.2020 in O.Mu.A5/2312/2020 had instructed the Third Respondent to inspect the property based on the representation of the Petitioner dated 05.08.2020 and file a detailed report to the Second Respondent.

5. Even though the Third Respondent /Tahsildar, Cheyyar already made an inspection in that property, it is appropriate to direct the Third Respondent to cause inspection once again, after giving notice to the Petitioner as well as the Fourth Respondent and find out as to whether any encroachment has been made by the encroacher by putting up construction in that property.

6. In view of the above, this Court directs the Third Respondent to cause a fresh inspection, after issuing due notice and after affording opportunity of personal hearing to the Petitioner as well as the Fourth Respondent, in order to find out any encroachment has been made by the encroacher / Fourth Respondent by putting up construction in that property and if it is so, remove the encroachment, following due process of law, within a peirod of twelve weeks from the date of receipt of a copy of this order. It is made clear that no action shall be



taken against the encroachers without putting notice on them and if it is so, it would amount to contempt of court.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

may a

To

1. The District Collector
and Inspector of Panchayats
Tiruvannamalai District
Tiruvannamalai.
2. The Revenue Divisional Officer
Cheyyar Revenue Division
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Tiruvannamalai District.
3. The Tahsildar
Cheyyar Taluk
Cheyyar
Tiruvannamalai District.

+lcc to Mr.M.R.Jothimanian, Advocate, S.R.No.31304

+lcc to the Government Pleader, S.R.No.31165

W.P.No.13222 of 2020

PMK(CO)
CS/13/08/2021