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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.18593 of 2021

P.Madhan @ Sathyaraj

...Petitioner

Vs.

1. The District Collector,
District Collectorate Buildings,
Thiruvallur District - 602 001.
2. The Tahsildar,
O/o the Tahsildar,
Uthukottai Taluk,
District : Thiruvallur - 602 026.
3. N.Palani
4. M.Murali

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first and second respondents to remove the total 4-1/2 acres of encroached lands out of total 6 Acres in Sitheri Odai Poromboke lands in survey number 353/2 by the third and fourth respondents in Thirukandalam village Panchayat by considering the petitioner's representation dated 01.07.2021 within the time stipulated by this Court.

For petitioner : Mr.N.Suriyamuthu

For respondents : Mrs.Akila Rajendran
Govt. Counsel (for R1 & R2)

Mr.S.Krishnasamy for
Mr.P.S.Baskar (for R3 & R4)



O R D E R

(The Order of the Court was made by K.KALYANASUNDARAM, J)

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This writ petition has been filed seeking for issuance of a Writ of Mandamus directing the first and second respondents to remove the encroachment made in S.No.353/2 by the third and fourth respondents in Thirukandalam village Panchayat by considering the petitioner's representation, dated 01.07.2021.

2.The case of the petitioner is that the land in issue i.e., S.No.353/2 No.72 of Thirukandalam Village Panchayat has been classified as 'Sitheir Odai Promboke' and the encroachments have been made by the private respondents and others. It appears that the petitioner is the Panchayat President and a resolution was already passed for removal of encroachment.

3.The learned Government Counsel appearing for the respondents 1 and 2 Mrs.Akila Rajendran would state that the second respondent after conducting survey, has forwarded a report to the Executive Engineer, Public Works Department/Water Resource Department, Kosasthalaiyar Basin Division, Thiruvallur for taking action to remove the encroachments.

4.The learned counsel appearing for the private respondents Mr.S.Krishnasamy would state that the respondents 3 and 4 have already filed two suits in O.S.Nos.2 and 3 of 2021 before the District Munsif-cum-Judicial Magistrate Court, Uthukottai seeking the relief of permanent injunction and when they are pending, the authorities have no right to initiate the proceedings to remove the encroachment.

5.It is the case of the petitioner that the lands in S.No.353/2 is classified as 'Odai Poramboke'. The second respondent has filed a status report stating that encroachments have been identified and a report had been sent along with sketch to the Public Works Department.

6.In the light of the above fact, this writ petition is disposed of directing the Executive Engineer, Public Works Department/Water Resource Department, Kosasthalaiyar Basin Division, Thiruvallur to take appropriate action in accordance with law after affording ample opportunity to all the necessary



parties. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order. No costs.

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Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

skn

To

- 1.The District Collector,
District Collectorate Buildings,
Thiruvallur District.
- 2.The Tahsildar,
O/o the Tahsildar,
Uthukottai Taluk,
District : Thiruvallur - 602 026.
- 3.The Executive Engineer,
Public Works Department/Water Resource Department,
Kosasthalaiyar Basin Division, Thiruvallur.
- 4.The District Munsif-cum-Judicial Magistrate,
Uthukottai.

+lcc to Mr.N.Suriyamuthu, Advocate SR. No.55607

+lcc to the Government Pleader SR. No.55383

+lcc to Mr.P.S.Baskar, Advocate SR. No.54834

W.P.No.18593 of 2021

PVS (CO)

PR (01/12/2021)