



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.No.19119 of 2021

M.Shanmugam

..Petitioner

Vs.

1. The District Collector
Collector's Office
Cuddalore District.
2. The Revenue Divisional Officer
The Revenue Divisional Office
Vridhachalam Taluk, Cuddalore District.
3. The Tahsildar
Tahsildar Office
Vridhachalam, Cuddalore District.
4. The Commissioner
Municipality Office
No.31/16, Iyyanar Kovil Street
Vridhachalam Taluk
Cuddalore District.

5.Kasinathan

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1st to 4th respondents to remove the encroachment in the Survey No.155, New Survey No.Block 19, TS 12 situated at Malaiyadi Road, Pudhukkuppam,Vridhachalam Taluk, Cuddalore District made by the 5th respondent and consequently construct the water tank as per the central government scheme which is already sanctioned in the above said place by considering the petitioner's representation dated 09.08.2021 in accordance with law.



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For the Petitioner : Mr.K.Sudhakar
Mr.P.Muthukumar
for R1 to R3
State Government GP

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner complains that the respondent authorities have not taken any steps against the fifth respondent despite being aware that the fifth respondent has encroached on government poramboke land at Survey No.155 in Block No.19 of Malaiyadi Road, Pudhukkuppam Village of Vridhachalam Taluk, Cuddalore District.

2. According to the petitioner, because of the encroachment, the proposed construction of a water tank at the site has been stalled despite the same having been sanctioned under a central government scheme.

3. Mr.P.Muthukumar, learned State Government Pleader, appears on behalf of the respondent Nos. 1 to 3.

4. Without going into the allegations contained in the writ petition, particularly against the fifth respondent and without expressing any opinion as to whether there is any encroachment, whether by the fifth respondent or otherwise, W.P.No.19119 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation in respect of the matters complained of to the Tahsildar, Vridhachalam whereupon the Tahsildar will conduct an inquiry upon giving notice to the fifth respondent and to any other person who may be likely to be affected by the Tahsildar's action. In the event any encroachment is found on government land, the Tahsildar will take immediate appropriate steps in accordance with law to remove the same. At any rate, the Tahsildar should pass a speaking order following his inquiry and forward copies thereof to both the petitioner and any other person affected thereby within eight weeks of the date of receipt of the petitioner's representation in terms of this order.

There will be no order as to costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar



To

1.The District Collector
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2.The Revenue Divisional Officer
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Tahsildar Office
Vridhachalam, Cuddalore District.

4.The Commissioner
Municipality Office
No.31/16, Iyyanar Kovil Street
Vridhachalam Taluk
Cuddalore District.

+lcc to Mr.K.Sudhakar, Advocate, Sr.No.46671(03/12/2021)

+lcc to the Government Pleader, Sr.No.46537(03/12/2021)

W.P.No.19119 of 2021

KSM(CO)
SP(17/09/2021)