



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 17489 of 2020

and

W.M.P. No.21672 of 2020

S.Chandrasekar

... Petitioner

Vs.

1. The District Collector
Office of the District Collector
Namakkal District.
2. Assistant Director (Land Survey)
Office of the District Collector
Namakkal District.
3. Block Development Officer
Senthamangalam Taluk
Namakkal District.
4. The President
Eachempatti Village
Kalkurichi Panchayat
Senthamangalam Taluk
Namakkal District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the First to Third Respondents to remove the concrete road laid in Survey No. 23/3 by the Fourth Respondent in the Petitioner's patta land in Plot Nos. 36, 48, 59 and 69 of Echampatti Village, Kalkurichi Panchayat, Senthamangalam Taluk, Namakkal District in view of the Petitioner's Petition No. 2020/9005/09/803132/1006 dated 06.10.2020.

For Petitioner : Mr. A.Thiyagarajan
for Mr.T.Balaji

For Respondents: Mr. R.S.Selvam (For R1 & R2)
Government Advocate
Mr.I.Sathish (For R3 & R4)



O R D E R

The prayer made in this writ petition is to issue a Writ of Mandamus, directing the First to Third Respondents to remove the concrete road laid in Survey No. 23/3 by the Fourth Respondent in the Petitioner's patta land in Plot Nos.36, 48, 59 and 69 of Echampatti Village, Kalkurichi Panchayat, Senthamangalam Taluk, Namakkal District, on the basis of the Petition dated 06.10.2020 submitted by the petitioner.

2.Today, when the matter was taken up for consideration, the Learned Counsel for the Petitioner submitted that as per the order of this Court dated 11.12.2020, an inspection was conducted by the Tahsildar, Senthamangalam and a report enclosing a copy of sketch in respect of Survey No.23, was filed to the Second Respondent / Assistant Director (Land Survey), Namakkal, vide communication dated 04.01.2021, to the effect that there was encroachment. Hence, the learned counsel prayed for appropriate direction to the respondent authorities in this regard.

3.The aforesaid submission made by the learned counsel for the petitioner has been fairly conceded on the side of the Respondents.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also taking note of the inspection report filed by the Tahsildar, Senthamangalam, this Court directs the respondent authorities to take necessary action, to remove the encroachment in S.No.23, as per law and also on the basis of the report dated 04.01.2021 filed by the Tahsildar, Senthamangalam, within a period of six (6) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Maya



To

1. The District Collector
Office of the District Collector
Namakkal District.
2. Assistant Director (Land Survey)
Office of the District Collector
Namakkal District.
3. Block Development Officer
Senthamangalam Taluk
Namakkal District.
4. The President
Eachempatti Village
Kalkurichi Panchayat
Senthamangalam Taluk
Namakkal District.

+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No. 26716
+1cc to Mr.I.Sathish, Advocate, S.R.No. 26446
+1cc to the Government Pleader, S.R.No. 26760

W.P. No. 17489 of 2020

JPL(CO)
GN(22/07/2021)