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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.09.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.19635 of 2021

N.Sakthi Selvam

..Petitioner

Vs

- 1 The District Collector
Thiruvallur District
- 2 The Tahsildar
Poonamallee Taluk, Poonamallee.
- 3 The Block Development Officer
Poonamallee Panchayat Union
Poonamallee.
- 4 The Panchayat President
Kattupakkam Panchayat, Chennai.
- 5 T.Raman
- 6 T.Lakshmanan
- 7 T.Jayaraman

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondent Nos.1 to 4 to remove the encroachment made by the Respondent No.5 to 7 Jointly in survey No.195 at Kattupakkam



Village Poonamallee Taluk Thiruvallur District by considering the petitioners representation dated 30.08.2021 in the light of G.O.(Ms) No.540 Revenue Department dated 04.12.2014 within the time period stipulated by this Honble court.

For the Petitioner : Mr.S.Sivaguru

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for respondents 1 to 3

ORDER

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

The grievance of the petitioner is that the private respondent Nos. 5 to 7 have encroached into a waterbody at S.No.195 at Kattupakkam Village in Poonamallee Taluk of Tiruvallur District.

2. Mr.Muthukumar, learned Government Pleader, takes notice on behalf of respondent Nos.1 to 3. According to him, the second respondent Tahsildar would be the appropriate authority to look into the matter.

3. Accordingly, W.P.No.19635 of 2021 is disposed of by permitting the petitioner to carry a detailed representation of the alleged encroachment to the second respondent Tahsildar within a fortnight from date, whereupon such official will cause an inquiry to be made upon notice to the private respondents. If any encroachment is found, the Tahsildar will take immediate appropriate steps to remove the same in accordance with law.

4. Since no prejudice is caused to the private respondents by this order and the private respondents have been required to be issued notice by the Tahsildar before taking any action, no previous notice is issued to the private respondents at this stage. It is needless to say that the Tahsildar's findings should indicate due reasons and the same should be communicated both to the petitioner and to the private respondents within 12 weeks of the receipt of the petitioner's representation in terms of this order.



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5. There will be no order as to costs.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

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To:

- 1 The District Collector
Thiruvallur District
- 2 The Tahsildar
Poonamallee Taluk
Poonamallee.
- 3 The Block Development Officer
Poonamallee Panchayat Union
Poonamallee.
- 4 The Panchayat President
Kattupakkam Panchayat
Chennai.

+1cc to the Government Pleader, High Court, Madras, S.R.No.47243

W.P.No.19635 of 2021

AK-II(CO)

RLP(23/09/2021)