



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM :

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

W.P. NO.20596 OF 2021

Dr.Senthilkumar

...Petitioner

Versus

- 1.The District Collector,
Collectorate Office,
Ariyalur District.
- 2.The Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.
- 3.The Tahsildar,
Jayankondam,
Udayarpalayam Taluk,
Ariyalur District.
- 4.The Block Development Officer,
(Village Panchayat),
Panchayat Union,
Jayankondam, Ariyalur District.
- 5.The Assistant Executive Engineer,
Construction and Maintenance,
Highway Department,
Jayankondam, Ariyalur District.
- 6.The Village Panchayat President,
Thaluthalimedu Panchayat,
Panchayat Union,
Jayankondam,
Ariyalur District.



7.Sankar.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 6 to take action and remove the encroachments made by the 7th respondent in S.No.55, total an extent of 0.91.0 Hectares situated at Thaluthalaimeedu Village, Udayarpalayam Taluk, Ariyalur District as per the direction given by the 3rd respondent vide his proceedings in Na.Ka.A1/362/2021, dated 11.02.2021.

For petitioner : Mr.K.Balu

For respondents
for RR1 to 6 : Mrs.Akila Rajendran

ORDER

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

The Writ Petition is heard through video conferencing.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to take action to remove the encroachment in Survey No.55, at Thaluthalaimeedu Village, Udayarpalayam Taluk, Ariyalur District.

3. The petitioner would state that he is a Doctor by profession and he owns land in Survey Nos.53/11 and 53/9 in Thaluthalaimeedu Village. It is the grievance of the petitioner that the seventh respondent has encroached the land in Survey No.55, which has been classified as Kulam Poramboke. On 17.09.2019 one Kaliyamurthy made a representation to the fourth respondent to remove the encroachment. Subsequently, the petitioner also made a representation. But no action has been taken so far, hence the petition.

4. The learned counsel appearing for the petitioner Mr.K.Balu, would argue that in view of the encroachment made by the seventh respondent in Kulam Poramboke, the petitioner as well as the others are suffering and it is the duty of the official respondents to maintain Kulam Poramboke, as per the order passed in W.P.No.26722 of 2013.



5. He further stated that it would suffice if a suitable direction is issued to the fourth respondent to remove the encroachment.

WEB COPY

6. The learned Government Counsel appearing for the respondents Mrs.Akila Rajendran, would state that in pursuance of the representations made in this regard, the official respondents had inspected the area and found that there is an encroachment in the Kulam Poramboke in Survey No.55. It is the submission of the learned Government Advocate that the encroachers in the Kulam Poramboke will be vacated at the earliest.

7. It appears that the Tahsildar had already found encroachment and sent a letter dated 11.02.2021 to the fourth respondent to remove the encroachment.

8. In the light of the submissions of the learned counsels and also considering the prayer sought for in the Writ Petition, this Court without expressing any opinion on the merits of the matter, directs the fourth respondent to take action in accordance with law and remove the encroachment made in Survey No.55 at Thaluthalaimeedu Village after affording ample opportunity to the necessary parties. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

9. With the above observation and directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

pvs

To

1.The District Collector,
Collectorate Office,
Ariyalur District.



2.The Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.

3.The Tahsildar,
Jayankondam,
Udayarpalayam Taluk,
Ariyalur District.

4.The Block Development Officer,
(Village Panchayat),
Panchayat Union,
Jayankondam,
Ariyalur District.

5.The Assistant Executive Engineer,
Construction and Maintenance,
Highway Department,
Jayankondam,
Ariyalur District.

6.The Village Panchayat President,
Thaluthalimedu Panchayat,
Panchayat Union,
Jayankondam,
Ariyalur District.

+1cc to Mr.K.Balu, Advocate SR.No.49539

W.P.No.20596 of 2021

PMK(CO)
RVM(18/10/2021)