

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.01.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.19117 of 2018

K.Kaliyamoorthy

.. Petitioner

Versus

1.The District Collector
Villupuram.

2.The Tahsildar,
Villupuram Taluk,
Villupuram District.

3.S.Santhosh

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to consider the petitioner representation dated 17.07.2017 and consequently direct them to take necessary action to remove the illegal encroachment in the Survey.No.317/8, 317/11 and 317/13 Asankulam, Salamedu Valudareddy, Villupuram Taluk made by the 3rd respondent.

For Petitioner : Mr.V.Pandiyan

For R1 & R2 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J. through video conferencing]

The petitioner would claim that plot No.78, admeasuring an extent of 0.02 cent in Asankulam, Salamedu Valudareddy, Villupuram Taluk and District was allotted in favour of his father, namely, Mr.Kaliyaperumal and another extent of land in Plot No.101, admeasuring an extent of 0.02 cents was allotted in favour of his grandmother, namely, Gangaiammal. Subsequently the land allotted in favour of his father has been sub divided in

S.F.No.317/9 and patta no.48 was granted and the land allotted in favour of his grandmother has been sub divided in S.F.No.317/10. It is the specific case of the petitioner that the land in S.F.Nos.317/8, 317/11 and 317/13 are classified as public pathway in the revenue records and the 3rd respondent is running a mobile eatery cart and also encroached upon public pathway in the said lands. The representation dated 17.07.2017, submitted by the petitioner did not invoke any kind of response and therefore, came forward to file this Writ Petition.

2. Heard the submission of the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appears for the respondents 1 and 2. This Court has also perused the materials.

3. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation dated 17.07.2017, or in this Writ Petition, directs the 2nd respondent to cause inspection of the land in S.F.Nos.317/9, 317/10, 317/8, 317/11 and 317/13 of Asankulam, Salamedu Valudareddy, Villupuram Taluk and District and if the result of the inspection reveals any unauthorised occupation / encroachment coupled with the unauthorised constructions, shall take immediate and necessary steps, in accordance with law, by adhering to the principles of natural justice and complete the said exercise within a period of twelve weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner, 3rd respondent and any other persons concerned.

4. The Writ Petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sk

To

1.The District Collector
Villupuram.

2.The Tahsildar,
Villupuram Taluk,
Villupuram District.

+1 cc to M/s.V.Janarthanana ,Advocate Sr.No. 3425

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PM(CO)
RMP(18/02/2021)



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