

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2021

CORAM

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

WP.No.20348/2020 & WMP.No.25145/2020

[Video Conferencing]

1.S.Nandhan
2.Selvi

..Petitioners

Versus

1. The District Collector
Collectorate Buildings
Sathuvacharry, Vellore.
2. The Revenue Divisional Officer
RDO Office, Collectorate Office,
Sathuvacharry, Vellore District.
3. The Tahsildar
Taluk Office, Gudiyatham Taluk
Vellore District.
4. The Village Administrative Officer
VAO Office, Sengundram Village
Gudiyatham Taluk,
Vellore District.
5. The Block Development Officer
BDO Office, Gudiyatham Taluk
Vellore District.

6.Mahalingam
7.Rajendran
8.Kannammal
9.Sivalingam
10.Amsa

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 3rd respondent to remove the encroachments committed by Mahalingam, Rajendran, Kannammal, Sivalingam and Amsa at petitioners property situate at Survey No.127/1B1 and 127/1B2, Sengundram Village, Gudiyatham Taluk, Vellore District based on petitioners representation dated 22.06.2020 within a time frame to be fixed by this Court.

For Petitioners :Mr.D.Thirumoorthy

For RR 1 to 5 :Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 5.
- (3) The petitioners claim to be the owners of the lands in S.No.127/1B situate at Sengundram Village, Gudiyatham Taluk, Vellore District, admeasuring to an extent of 0.31 cents and 0.15 ½ cents respectively through a registered Sale Deed dated 09.05.2019 bearing Doc.No.3469/2019 registered on the file of the office of the Sub Registrar, Gudiyatham and claim to be in possession and enjoyment of the same. The grievance expressed by the petitioners in their representations dated 22.06.2019 and 03.07.2020 respectively, addressed to the respondents, is that the private respondents had caused encroachment on the road margin adjacent to the lands in S.Nos.127/1B1 and 1B2 of Sengundram Village and despite receipt of the representations, no action has been taken and therefore, they are constrained to approach this Court by filing this writ petition.
- (4) This Court heard the submissions of the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents 1 to 5 and also perused the materials placed before it.
- (5) Though the petitioners had prayed 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 petitioners, either in their representations or in this writ petition, directs respondents 3 to 5 to put the petitioners as well as the private respondents on notice and cause inspection of the petitioners land as well as the road margin adjacent to the lands in S.Nos.127/1B1 and 1B2 of Sengundram Village and if the result of the inspection discloses any encroachment, either on the part of the petitioners or on the part of the private respondents or others, shall take further action in accordance with law by also adhering to principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order / uploading the order in the website and communicate the decision taken, to the

petitioners, private respondents as well as any other person/s if any.

(6)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(cs ii)

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To

Sub Assistant Registrar

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Vellore District.
5. The Block Development Officer
BDO Office, Gudiyatham Taluk
Vellore District.

+1cc to Mr.S.P.Arthi, Advocate, S.R.No.732

+1cc to the Government Pleader, S.R.No.772

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