



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.23889 of 2021

S.Kamala
Vice President, Mylarwada Panchayat

.. Petitioner

Vs

1. The Collector,
Tiruvallur District,
Tiruvallur.
2. The Revenue Divisional Officer,
Thiruthani,
Tiruvallur District.
3. The Tahsildar,
R.K.Pet,
R.K.Pet Taluk,
Tiruvallur District.
4. The Superintendent of Police,
Tiruvallur District,
Tiruvallur.
5. Devaraj
6. Parasuraman
7. Govindasamy
8. Baskar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the



respondents 5 to 8 on the burial ground in S.No.155 to the extent of 5.13 acre situated at V.R.Kandigai Village, R.K.Pet Taluk, Tiruvallur District based on the representation made by the petitioner dated 02.09.2021 and keep it in its original position as burial ground for the use of V.R.Kandigai villagers.

For the Petitioner : Mr.S.Doraisamy
for Mr.V.Elangovan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mr.S.J.Mohammed Sadhiq
Counsel for the State
for respondents 1 to 4

ORDER

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

The grievance of the petitioner is that the private respondents 5 to 8 have encroached to the extent of 5.13 acre at land bearing S.No.155 at V.R.Kandigai Village in R.K.Pet Taluk of Tiruvallur District, which is part of a burial ground. The petitioner claims to have sent a written representation to some of the official respondents, but complains that the matter has not been looked into.

2. Mr.P.Muthukumar, learned Government Pleader, takes notice on behalf of the respondents 1 to 4 and submits that the third respondent Tahsildar of R.K.Pet is the appropriate authority to look into the matter.

3. Accordingly, W.P.No.23889 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation pertaining to the matters complained of to the third respondent Tahsildar within a period of four weeks from date. Immediately upon receipt of the representation, the relevant Tahsildar will commence an inquiry upon due to notice to the petitioner, the private respondents and any other person likely to be affected thereby. In the event the Tahsildar finds any encroachment as complained of or otherwise, the Tahsildar will report the matter to the superior officials for immediate appropriate action to be taken to remove the encroachment in accordance with law. In any event, the Tahsildar's final report following the inquiry, should be forwarded to the petitioner, the private respondents and any other person affected thereby within ten weeks of the receipt of the representation in terms of this order.



4. Since no prejudice would be caused to the private respondents by the order above, no previous notice has been required to be issued to such respondents. However, the petitioner will be obliged to immediately forward copies of the petition and this order to the private respondents.

W.P.No.23889 of 2021 is disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1. The Collector,
Tiruvallur District,
Tiruvallur.
2. The Revenue Divisional Officer,
Thiruthani,
Tiruvallur District.
3. The Tahsildar,
R.K.Pet,
R.K.Pet Taluk,
Tiruvallur District.
4. The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

+1cc to the Government Pleader Sr No.57923

+1cc to Mr.S.Doraisamy, Advocate Sr No.57433

W.P.No.23889 of 2021

NRJK (CO)
PR (15/11/2021)