

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.24821 of 2019

Palani Ammal

... Petitioner

Vs.

1. The District Collector
Villupuram District
Villupuram

2. The Revenue Divisional Officer
Kallakurichi Villupuram District

3. The Tahsildar
Kallakurichi Taluk Office
Kallakurichi Taluk
Kallakurichi
Villupuram District

4. Therasunathan

5. Mani

6. Periyamayagam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made in survey No.94/11 with an extend of 0.05.5 ares situated at Periyamambattu village limit Thyagadurugam Panchayat Limit, Kallakurichi Taluk, Villupuram District, and to take steps to construct additional school building and play ground for the Panchayat Union Elementary School, Gandhi Nagar, Thyagadurugam.

For Petitioner : Mr.A.G.Rajan
For Respondents : Mr.V.Jayaprakash Narayan,
State Government Pleader,
for respondents 1 to 3

Ms.A.Arul Mary,
for M/s.Father Xavier Associates
for respondents 4 to 6

ORDER

The writ petitioner complains of encroachment by respondents 4 to 6 in survey No.94/11 at Periyambattu Village limit, Thyagadurugam Panchayat limit, Kallakurichi Taluk, Villupuram District.

2. It is asserted on behalf of the petitioner that a resolution was passed by the Thyagadurugam Panchayat on November 28, 2005 to construct an additional school building next to the Panchayat Union Elementary School, Gandhi Nagar, Thyagadurugam, in survey No.94/11, which is said to be classified as unassessed tharisu land in the relevant revenue records.

3. However, it is stated that before such additional building could be constructed, respondents 4 to 6 encroached upon the Government tharisu land and put up a temporary structure thereon. In spite of submitting several representations to the authorities concerned for removal of such encroachment, it is stated that the encroachments have not been removed till date.

4. Learned State Government Pleader appears on behalf of respondents 1 to 3 and submits that it has been ascertained that there is encroachment and that the District Collector has issued instructions to the Tahsildar to take action in accordance with law.

5. Learned counsel appearing for respondents 4 to 6 refutes the aforesaid contentions.

6. Accordingly, without examining the merits of the matter, the third respondent is directed to initiate and proceed with further action in accordance with law in respect of the alleged encroachment, by providing a reasonable opportunity to all parties affected thereby, including respondents 4 to 6 herein, and conclude such proceedings within a period of four months from the date of receipt of a copy of this order.

7. W.P.No.24821 of 2019 is disposed of on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kpl

To

1. The District Collector
Villupuram District
Villupuram
2. The Revenue Divisional Officer
Kallakurichi Villupuram District
3. The Tahsildar
Kallakurichi Taluk Office
Kallakurichi Taluk
Kallakurichi
Villupuram District

+cc to M/s.Father Xavier Associates, Advocate Sr.No.25288

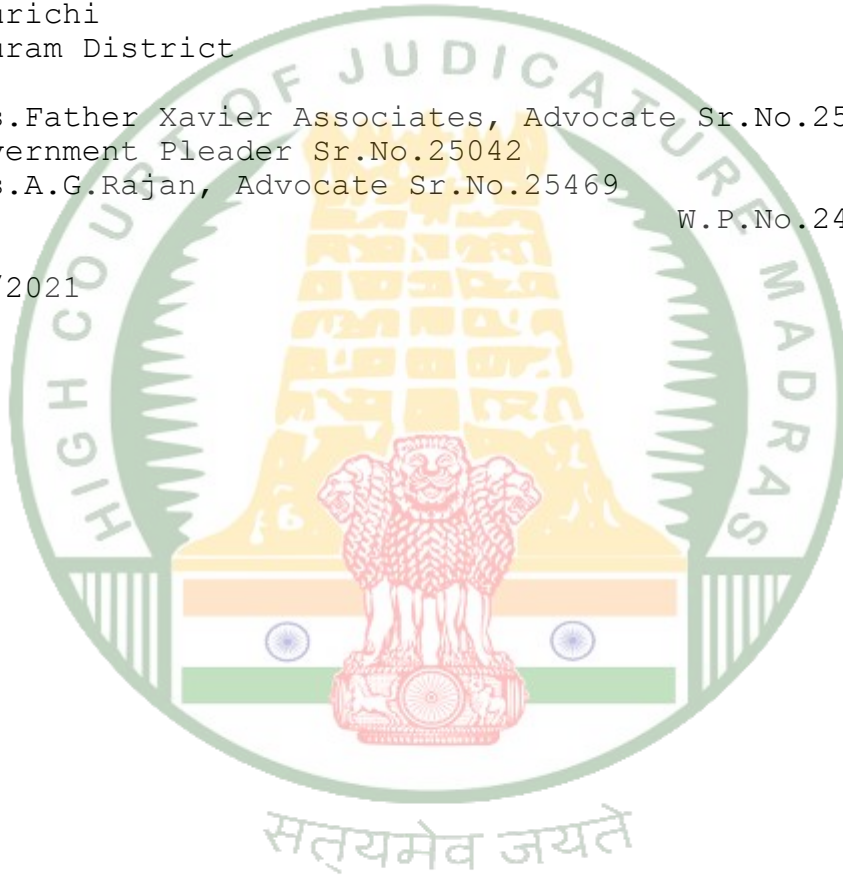
+cc to Government Pleader Sr.No.25042

+cc to M/s.A.G.Rajan, Advocate Sr.No.25469

W.P.No.24821 of 2019

PL(CO)

baf 04/05/2021



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