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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P. No. 27179 of 2021

N. Saravanan

.. Petitioner

Versus

1. The District Collector
Thiruvannamalai District
Thiruvannamalai
2. The Tahsildar
Chetpet Taluk
Chetpet, Thiruvannamalai District
3. The Block Development Officer
Panchayat Union Office
West Arani
Arani, Thiruvannamalai District
4. R.Mahalingam

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment by the fourth respondent by putting up a concrete structure by 30' in length x 15' in width on the 26 ft public road in S.No.105/4 and 110/4 and 111/8 branching off from the Village Main Road in Karipur Village, Chetpet Taluk, Thiruvannamalai District.

For Petitioner : Mr.S.Ayyathurai

For Respondents : Mr. V.P.R Elamarithi
Additional Government Pleader for R1 & R2

Mrs. E.Ranganayaki
Additional Government Pleader for R3

ORDER

(Order of the Court was made by R. MAHADEVAN. J,)



concrete structure by 30'x15' on the 26 feet public road in S.Nos.105/4, 110/4 and 111/8 branching off from the Village Main Road in Karipur Village, Chetpet Taluk, Thiruvannamalai District.

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2. According to the petitioner, he owns agricultural lands measuring about 7 acres in Survey Nos.110/2, 345, 111/7A and 109/13, which are ancestral properties. It is stated that there is a cart track, having a width of 15 feet in S.No.105/4, 110/4 & 111/8 which branches off from the village main road and leads to the petitioner's lands. The said cart track is the only way for the petitioner and his neighbours to reach the village main road. While so, the fourth respondent encroached the said cart track from the incepting point namely the village main road by putting up a house having 15 feet in width and 20 feet in length effacing the 26 width cart track to 5 feet width. By reason of such encroachment, the petitioner and other villagers have been put to much hardship in transporting the agricultural produce through tractors. Aggrieved against the deplorable encroachment made by the fourth respondent and transgression into public property, the petitioner made a detailed representation on 13.04.2021 to the third respondent and Village Administrative Officer requesting to remove the illegal encroachment made by the fourth respondent, but the same is kept pending without any consideration till date. Therefore, finding no other option, he has come up with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that pointing out the glaring encroachment made by the fourth respondent, the petitioner has made representation to the official respondents to take action for removal of the same. However, there was no progress in this regard. Therefore, the learned counsel prayed this Court to issue appropriate direction to the respondent authorities by considering the representation dated 13.04.2021 of the petitioner.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 fairly submitted that an inspection would be conducted by the official respondents and encroachment, if any, effacing the public property would be removed by following due procedure as contemplated under law.

5. Considering the nature of the issue involved herein and having regard to the submissions of the learned counsel on either side, this court, without going into merits of the case, directs the respondent authorities to consider the representation of the petitioner dated 13.04.2021, conduct an inspection in the presence of the petitioner and the fourth respondent, examine the documentary evidence, if any, submitted by them and pass appropriate orders, on merits and in accordance with law, within a period eight weeks from the date of receipt of a copy of this order.



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6. Accordingly, this writ petition stands disposed of.
No costs.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

av/rsh

To

1. The District Collector
Thiruvannamalai District
Thiruvannamalai
2. The Tahsildar
Chetpet Taluk
Chetpet, Thiruvannamalai District
3. The Block Development Officer
Panchayat Union Office
West Arani
Arani, Thiruvannamalai District

+1cc to Mr.S.Ayyathurai, Advocate SR.No.68630

+1cc to Mrs. E.Ranganayaki, Advocate SR.No.68898

+1cc to Government Pleader SR.No.69043

W.P. No. 27179 of 2021

PVS (CO)
GMY (27/01/2022)