



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM :

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

WRIT PETITION NO. 27371 OF 2021
AND
W.M.P. NO. 28889 OF 2021

N.Rajagopal

...Petitioner

Versus

- 1.The State of Tamil Nadu
Rep. by its Chief Secretary
Secretariat, Fort St. George
Chennai - 600 009.
- 2.The Principal Secretary and Commissioner,
Land Survey and Settlement (Survey)
Chennai - 600 005.
- 3.The District Collector
Namakkal District.
- 4.The Block Development Officer
Senthamangalam Taluk
Namakkal District.
- 5.The Tahsildar
Senthamangalam Taluk
Namakkal District.
- 6.The Tahsildar
Namakkal District
- 7.R.Elangovan

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first to sixth respondents to remove the encroachment made by the seventh respondent in the Vandipathai situated in S.No.134/10 in Vedampadi Village, Senthamangalam Taluk, Namakkal district by considering the representations dated 03.12.2020 and 15.09.2021.



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For Petitioner : Ms.K.Suhasini
For Respondents : Mr.V.P.R.Elampariti
Additional Government Pleader
for R1 to R3, R5 & R6

Mr.R.Siddharth
Government Advocate for R4

O R D E R

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

The petitioner has filed this writ petition for issuance of Writ of Mandamus directing the first to sixth respondents to remove the encroachment made by the seventh respondent in Vandipathai situated in S.No.134/10 in Vedampadi Village, Senthamangalam Taluk, Namakkal District by considering his representations dated 03.12.2020 and 15.09.2021.

2. According to the petitioner, his father Late. P.V.Nalluchettiyar owned a land comprised in Survey Nos. 134/4 and 134/9 and after his demise, the petitioner, his mother, brothers and sister have inherited the said property. The petitioner further stated that the land measuring to an extent of 0.06 acre comprised in Survey No. 134/10, Vedampatti Village, Senthamangalam Taluk, Namakkal District is a "Vandipathai" and the same has been used by the general public as pathway and for cattle grazing, transportation etc. While so, the seventh respondent, who runs a fitness centre in the name and style of "Thangam Body Builders" has encroached the said land and put up a fence in the Vandipathai. In this context, the petitioner made a representation dated 02.03.2020 to the third respondent to take appropriate action to restore the vandipathai, which was not considered. Thereafter, the petitioner made representations dated 03.12.2020 and 15.09.2021 to the fifth respondent requesting to remove the said encroachment, which were also not considered. Subsequently, the petitioner submitted a representation to the sixth respondent to take appropriate action to remove the encroachment made by the seventh respondent. However, none of the representations yielded any fruitful result. Therefore, the petitioner has filed this writ petition for the aforesaid relief.

3. Heard both sides and perused the documents enclosed in the typed set of papers.

4. Considering the nature of the claim made by the petitioner that the seventh respondent has made encroachment in Vandipathai, and having regard to the submissions of the learned counsel on either side, this Court, without going into merits of



the case, directs the fifth and sixth respondents to conduct an enquiry, afford an opportunity of hearing to the petitioner, seventh respondent as well as any other interested parties, examine the documentary evidence that may be submitted by them, and thereafter pass an order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

Maya /rsh

To

- 1.The Chief Secretary,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 2.The Principal Secretary and Commissioner,
Land Survey and Settlement (Survey)
Chennai - 600 005.
- 3.The District Collector,
Namakkal District.
- 4.The Block Development Officer,
Senthamangalam Taluk,
Namakkal District.
- 5.The Tahsildar,
Senthamangalam Taluk,
Namakkal District.
- 6.The Tahsildar,
Namakkal District.

+1cc to M/s.K.Suhashini, Advocate SR.No.69478

W.P.No. 27371 of 2021

SS(CO)
RVM(21/01/2022)