



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

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

W.P.No.1014 of 2022

G.Raman

.. Petitioner

vs

1. The District Collector,
Kallakurichi District.

2. The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

3. The Revenue Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to remove the encroachment from government road poramboke lands in survey nos. 85/5, 85/6B, 81/1, 81/2, 81/3, 80/7B, 90/1B, 63 and 65/4 situated at Pallagacheri Village, Sankarapuram Taluk, Kallakurichi District by consider the petitioner's representation dated 10.11.2021 preferred to the respondents in accordance with law within the time stipulated by this Court.

For the Petitioner : Mr. S.Mohamed Ansar

For the Respondents : Mr. P.Muthukumar,
Government Pleader

ORDER

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

The writ petition has been filed to seek a direction on the respondents to remove the encroachments from the government road poramboke land in Survey Nos. 85/5, 85/6B, 81/1, 81/2, 81/3,



80/7B, 90/1B, 63 and 65/4. The writ petition has been filed after impleading the District Collector, Revenue Divisional Officer and the Revenue Tahsildar as party respondents.

2. On instructions, learned Government Pleader appearing for the respondents submitted that the road in question is under Panchayat which has not been impleaded as party respondent. The photographs enclosed at page no. 53 of the typed-set filed along with the writ petition do not show the encroachment on the road and otherwise, the encroachers have also not been impleaded as parties respondents. Thus, the writ petition suffers from the non-joinder of necessary parties and otherwise, the area in question is falling under Panchayat. It is also that FMB sketch has not been filed along with the writ petition by the petitioner to indicate the encroachments on the survey numbers given in the prayer clause. Thus, the writ petition has been filed for the sake of publicity without making proper research and impleading necessary parties.

3. We have considered the submissions of the learned Government Pleader appearing for the respondents and perused the records.

4. Though the petitioner has placed on record, the entries in the register with regard to different survey numbers, the photographs enclosed at page no. 53 of the typed-set filed along with the writ petition do not show any encroachment on the government land and otherwise, the land in question falls under Panchayat which has not been impleaded as party respondent. Even the encroachers alleged to have made encroachment are not parties before this Court. Thus, the writ petition suffers from non-joinder of necessary parties. It is apart from the fact that FMB sketch has not been filed along with the writ petition to indicate any encroachment on the land in survey numbers given in the prayer clause. Thus, the prayer made in the writ petition cannot be accepted in the absence of any material before this Court to prima facie show that encroachment is made on the land in question.

5. In the result, the writ petition is dismissed. There will be no order as to costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vjt



To:

1. The District Collector,
Kallakurichi District.
2. The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.
3. The Revenue Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.

+1cc to the Government Pleader, S.R.No.4720

W.P.No.1014 of 2022

PMK (CO)
CB (02/02/2022)