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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.1989 of 2022
and
W.M.P.No.2148 of 2022

K.Selvarasu

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
Namakkal District,
Namakkal.
- 3.The District Revenue Officer,
Namakkal District,
Namakkal.
- 4.The Sub-Collector/Revenue Divisional Officer,
Rasipuram Revenue Division,
Rasipuram,
Namakkal District.
- 5.The Tahsildhar,
Rasipuram Taluk,
Rasipuram,
Namakkal District.
- 6.The Superintending Engineer,
Public Works Department/WRO,
Upper Kavery Basin Division,
Salem-7,
Salem District.



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7.The Block Development Officer/Commissioner,
Namagiripettai Panchayat Union,
Namagiripettai,
Rasipuram Taluk,
Namakkal District.

8.Vaiyapuri

9.Thangavel

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 2 to 7 to remove the encroachments/obstructions made by the respondents 8 and 9 in the Odai in S.Nos.112/2, 118/1 and 123 of Thimmanaickenpatti Village, Rasipuram Taluk, Namakkal District and to restore the said Odai along with pathway to its original position.

For petitioner : Mr.M.R.Jothimanian

For respondents : Mr.M.Alagu Goutham
Govt. Advocate for R1 to R6

Mr.K.V.Sajeevkumar
Spl. Govt. Pleader for R7

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

Mr.M.Alagu Goutham, learned Government Advocate takes notice on behalf of the respondents 1 to 6 and Mr.K.V.Sajeevkumar, learned Special Government Pleader takes notice on behalf of the 7th respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The prayer in this writ petition is to issue a Writ of Mandamus directing the respondents 2 to 7 to remove the encroachments/obstructions made by the respondents 8 and 9 in the Odai in S.Nos.112/2, 118/1 and 123 of Thimmanaickenpatti Village, Rasipuram Taluk, Namakkal District.

3.The learned counsel appearing for the petitioner Mr.M.R.Jothimanian would submit that the petitioner owns agricultural lands in S.Nos.118/4A & 6A at Thimmanaickenpatti village, Rasipuram Taluk, Namakkal District and the land is under possession and enjoyment of the petitioner's family. He further submitted that an Odai is running through S.Nos.112/2, 114, 115, 118/1 and 123 of Thimmanaickenpatti village and it has



been encroached by the respondents 8 and 9. In this regard, he gave representation to the authorities, but no action was taken. Hence, the present writ petition.

4.The learned Government Advocate appearing for the respondents 1 to 6 Mr.M.Alagu Goutham would submit that the representation of the petitioner was received by the second respondent/District Collector and the same was forwarded to the fifth respondent, Tahsildar for conducting survey. After receiving the report from the Tahsildar, if there is any encroachment, it would be removed by the sixth respondent.

5.In the light of the submission of the learned counsels and the limited scope of the prayer sought for in this writ petition, this Court without expressing any opinion on the merits of the matter, directs the fifth respondent/Tahsildhar to conduct a joint survey in the presence of the petitioner and the respondents 8 and 9. If any encroachment is found as alleged by the petitioner, the respondents shall remove the encroachment in accordance with law, after affording opportunity to all the necessary parties.

6.With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Skn

To

1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Namakkal District,
Namakkal.

3.The District Revenue Officer,
Namakkal District,
Namakkal.



4.The Sub-Collector/Revenue Divisional Officer,
Rasipuram Revenue Division,
Rasipuram,
Namakkal District.

5.The Tahsildhar,
Rasipuram Taluk,
Rasipuram,
Namakkal District.

6.The Superintending Engineer,
Public Works Department/WRO,
Upper Kavery Basin Division,
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Salem District.

7.The Block Development Officer/Commissioner,
Namagiripettai Panchayat Union,
Namagiripettai,
Rasipuram Taluk,
Namakkal District.

+1cc to Mr.M.R.Jothimanian, Advocate SR.No.7528
+1cc to the Government Pleader SR.No.7693

W.P.No.1989 of 2022
and
W.M.P.No.2148 of 2022

MT (CO)
GN (17/03/2022)