

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.3174/2022

Santhi

... Petitioner

-vs-

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Revenue Tahsildar,
Thittakudi Taluk Office,
Cuddalore District.

3. Saritha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents 1 and 2 to remove the unauthorized encroachment made by 3rd respondent in Thittakudi Village bearing Survey No.39/1B1A1, South and North 7 meter length and East and West 5 meter broad by considering the representation of the petitioner dated 08.11.2021 in accordance with law.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.J.Ravindran,
Additional Advocate General
assisted by Mr.A.Selvendran,
Spl.G.P.

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the

unauthorized encroachment made by 3rd respondent in Thittakudi Village bearing Survey No.39/1B1A1, South and North 7 meter length and East and West 5 meter broad by considering the representation of the petitioner dated 08.11.2021 in accordance with law.

2. Learned Counsel appearing for the petitioner would submit that the petitioner is the owner of the land bearing Survey No.39/1B1A1 measuring about 21 ares situated in Thittakudi Village, Thittakudi Taluk, Cuddalore District in which she has sold out 3 cents of land to the 3rd respondent. But the 3rd respondent has been encroaching the pathway in the front of the petitioner's land by putting up fencing and shed thereon causing inconvenience to the petitioner, therefore, the petitioner is unable to have access to his land. When she questioned the same, the 3rd respondent refused to remove the encroachment. Therefore, the petitioner sent a representation dated 08.11.2021 to the 1st respondent and the same was forwarded to the 2nd respondent. But no action is forthcoming. Hence, the petitioner has filed this Writ Petition seeking a direction as stated above.

3. Mr.J.Ravindran, learned Additional Advocate General assisted by Mr.A.selvendran, learned Special Government Pleader, taking notice for the respondents 1 and 2 would submit that the grievance of the petitioner appears to be genuine because even the Tahsildar also in his Letter dated 15.04.2021 sent to the Special Officer, Town Panchayat, directed him to remove the encroachment as the 3rd respondent has encroached into the main road pathway in front of the petitioner's house. Therefore, for taking necessary steps, he sought for sufficient time.

4. Recording the submission of the learned Additional Advocate General assisted by learned Special Government Pleader, the Writ Petition is disposed of directing the respondents 1 and 2 to remove the encroachment put up by the 3rd respondent in the place-in-question, in the manner known to law, within a period of four weeks from the date of receipt of a copy of this Order, after affording an opportunity of hearing to the 3rd respondent. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Revenue Tahsildar,
Thittakudi Taluk Office,
Cuddalore District.

W.P.No.3174/2022

RSV(CO)
GN(09/03/2022)

09.12.2021

