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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2868 of 2015

P.Sankar

...Petitioner

Vs

- 1.The District Collector,
Thiruvallur District.
- 2.The District Revenue Officer,
Thiruvallur District.
- 3.The Revenue Divisional Officer,
Thirutanni Taluk, Thiruvallur District.
- 4.The Tahsildar,
Thirutani Taluk, Thiruvallur District.

5.S.Naveen

... Respondents

[R5 impleaded as per dated 13.02.2015
made in M.P.No.1 of 2015]

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the representation of the petitioner dated 13.10.2014.

For Petitioner : Mr.S.Baskaran

For Respondents

R1 to R4: Mr.C.Sathish

Government Advocate

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 4 to consider the representation of the petitioner dated 13.10.2014.



2. In the said representation, the petitioner has stated that the encroachment is to be removed.

3. In this regard, the Tahsildar, Thiruvallur District has filed a counter affidavit, which reads as under:

"3. It is submitted that the above survey number has since been sub-divided and registered in the name of the following individuals as follows in the computer A-register and Computer Chitta at present.

Survey No.	Classification	Extent [in hectare]	Patta No and Name of the Patadhar
162/1B1A1	Dry	0.10.00	94. Sankar
162/1B1B	Dry	0.01.00	582. Kumar
162/1B2A	Dry	0.12.42	557. Venu
162/1B2B	Dry	0.02.08	1561. Sammanthan
162/1B3	Dry	0.08.50	94. Sankar
162/11	Dry	0.01.00	643. Naveen
Total		0.35.00	

No entries regarding pathway find place in the above computer A-register in any Sub-division relating to S.No.162/1B.

4. With respect to the para 4, 6 and 8 of the affidavit, it is submitted that the petitioner has formed unapproved layout in S.No.162/1B and he has sold to 10 individuals as stated by him. It seems that he has not handed over any path way to the panchayat concerned. A pathway by 7 feet width has been provided in S.No.162/1B1A1 by the petitioner, stands registered in his name in Patta No.94. One Naveen has encroached by four feet in the common portion of 7 feet by constructing rest room.

5. It is submitted that in as much as the pathway in issue has not been handed over to the authority of local body concerned by due process of law and it is still a patta land in the name of the petitioner, the respondents cannot evict the alleged encroachment in the patta land in S.No.162/1B1A owned by the petitioner. It is a dispute prevailing



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in a private patta land between the petitioner and Naveen. The petitioner ought to have sought for remedy for eviction of the said encroachment in S.No.162/1B1A1 owned by him in the manner known to law."

4.In view of the said counter affidavit filed by the 4th respondent Tahsildar, the petitioner has to approach the competent Civil Court of law for appropriate remedy including eviction of encroachers. Thus, the petitioner is at liberty to redress his remedy by approaching the competent Court of law.

5.With this liberty, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

cse

To

- 1.The District Collector,
Thiruvallur District.
- 2.The District Revenue Officer,
Thiruvallur District.
- 3.The Revenue Divisional Officer,
Thirutanni Taluk, Thiruvallur District.
- 4.The Tahsildar,
Thirutani Taluk, Thiruvallur District.

+1cc to the Government Pleader, SR.No.1953

W.P.No.2868 of 2015

MT(CO)

CB(31/01/2022)