



W.P.No.6896 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

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K.Philip

.... Petitioner

Vs.

1. The District Collector,
O/o District Collector,
Chengalpattu District.
2. The Revenue Divisional Officer,
O/o Revenue Divisional Office,
Chengalpattu District.
3. The Thasildhar,
O/o Thiruporur Thasildhar,
Chengalpattu District.
4. G.Devendran

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the respondents to remove the encroachment of the fourth respondent in S.No.3/1 situated at Perivipedu Village, Thiruporur Taluk, Chengalpattu District in pursuant to the proceedings vide Na.Ka.No.1279/2021/Aa3 dated 14.12.2021 by the second respondent.



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For petitioner : Mr.P.Muthamizh Selvakumar
For Respondents : Mr.Alagu Gowtham,
Govt. Advocate for R1 to R3

ORDER

(Order of this Court was made by D.KRISHNAKUMAR, J.)

This Writ petition has been filed seeking to issue a writ of Mandamus, directing the respondents to remove the encroachment of the fourth respondent in S.No.3/1 situated at Periya Vippedu Village, Thiruporur Taluk, Chengalpattu District in pursuant to the proceedings vide Na.Ka.No.1279/2021/Aa3 dated 14.12.2021 by the second respondent.

2. The case of the petitioner is that he is a resident of Periyavippedu Village, Oragadam Post, Thiruporur Taluk, Chengalpattu District. In the above village, the land in S.No.3/1, to an extent of 3 acres, which is a public property, was encroached by the fourth respondent, the then President, by using his official capacity and he made fencing. In view of the same, the people of the above Village



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used to go extra 2 kilometers to cremate the bodies in the place of bang of water body, by crossing a particular community people's crematory, which would create unnecessary issues between two set of people.

2.1. At request of the Village people, the second respondent enquired the matter and vide order dated 14.12.2021, has directed the third respondent viz., Tahsildar, Chengalpattu District, to remove the above encroachment in the said place and bring the land for public usage. However, the third respondent has not taken any action to remove the encroachment. Hence the petition.

3. The learned Government Advocate appearing for the respondents 1 to 3 submitted that, the second respondent has taken action under the Tamil Nadu Land Encroachment Act 1905 and notice was issued to the fourth respondent to remove the encroachment in the land in S.No.3/1, classified as Meikal Promboke, situated at Periya Vippedu Village, Thiruporur Taluk, Chengalpattu District. He further submitted that aggrieved by the orders passed by the second respondent, the fourth respondent filed an appeal before the District



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Collector and the same was dismissed. Assailing the dismissal order, the fourth respondent filed a revision and the same is now pending before the Revisional Authority.

4. It is further submitted by the learned Government Advocate that the above land in dispute is classified as " Meikkal Promboke" and the same is under the control of Animal Husbandry Department. However, the above Department is not a party to the writ petition.

5. Considering the facts and circumstances of the case and also taking into account the fact that the Department of Animal Husbandry, which has right over the disputed land, classified as "Meikkal Promboke", is not a party to the writ petition, the present writ petition is not maintainable and hence, the writ petition cannot be entertained.



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6. Accordingly, the writ petition is dismissed. No costs.

However, it is for the petitioner to work out his remedy before the appropriate forum, if so advised.

(D.K.K., J.) (T.V.T.S., J.)

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Index:Yes/No
mst

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**D. KRISHNAKUMAR, J.
and
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