



WEB COPY



W.P.No.7119 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HONOURABLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.7119 of 2021

G.Bakthavachalam

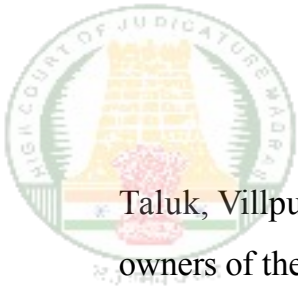
.. Petitioner

Versus

- 1.The District Collector,  
Villupuram District.
- 2.The Tahsildar,  
Melmalayanur Taluk,  
Villupuram District.
- 3.The Village Administrative Officer,  
Thenpalai Village, Melmalayanur Taluk,  
Villupuram District.
- 4.The Assistant Engineer,  
Operation & Maintenance,  
TANGEDCO, Sathyamangalam,  
Villupuram District.
- 5.The Sub-Inspector of Police,  
D-3, Sathyamangalam Police Station,  
Villupuram District.
- 6.T.P.Arumugam

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to direct the the respondents 1 to 3 to initiate appropriate action in this regard on the basis of the representation of the petitioner dated 08.02.2021 for removal of encroachments made in the Varappu/passage of Thenpalai Village, Melmalayanur



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Taluk, Villupuram District, which passage is used by the petitioner and other agricultural land owners of the said Village from time immemorial forthwith without any further delay.

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|                   |                         |
|-------------------|-------------------------|
| For Petitioner    | : Mr.A.Ponlingam        |
| For R1 to R3 & R5 | : Mrs.R.Anitha, Spl.GP. |
| For R6            | : Mr.V.R.Appaswamee     |
| For R4            | : No Appearance         |

### **ORDER**

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

Mr.G.Bakthavachalam, son of Govindasamy, residing at No.4/277, Thenpalai Village, Melmalayanur Taluk, Villupuram District, has filed this writ petition seeking for issuance of a writ of mandamus to direct the respondents 1 to 3 to initiate appropriate action on the basis of his representation dated 08.02.2021 for removal of encroachment made in the Varappu/passage of Thenpalai Village, Melmalayanur Taluk, Villupuram District, as the said passage was used by him and other agricultural land owners from time immemorial.

2. Heard the learned counsel appearing on either side.

3. After notice, a detailed status report dated Nil.7.2022 has been filed by the Tahsildar, Melmalaiyanur Taluk, Villupuram District/second respondent herein and in paragraph No.8 thereof, it is stated as follows:-

**“8. Hence, the land situated at Survey No.124/2 in an extent of 0.30.0 Ares and 126/1E in an extent of 0.31.50 Ares is Patta lands, which belongs to 6<sup>th</sup> respondent Thiru.Arumugam**



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and there is no common pathway in the above said survey fields, as per the prayer of the petitioner to evict the encroachment of the above field. But, the real fact of this circumstances, the ridgepole found in pucca patta land. In that view, the eviction of encroachment does not arise in the above manner. The 6<sup>th</sup> respondent laid down the pipeline in his own patta land only for irrigation purpose and not for any other purpose. As per the petitioner prayer there is no possibility of laying pathways in the above said survey fields.”

From the above said status report, it is clear that the land covered in Survey Nos.124/2 and 126/1E having an extent of 0.30.0 Ares and 0.31.50 Ares respectively is a patta land and it is belonging to the sixth respondent and no pathway/Varappu is found in the land in question. Besides, as per the 'A' Register annexed in the Status Report, it is seen that Survey No.126/1E is a patta land and it is belonging to joint pattadars, namely, P.Arumuga gounder (6<sup>th</sup> respondent herein) and A.Raniammal. The sixth respondent has erected the pipe in his own patta land, not in the Varappu/passage as alleged by the petitioner. Therefore, the prayer of the petitioner for removal of encroachment made in Survey No.126/1E, which is a patta land of the sixth respondent as per the revenue records, is not tenable.

4. Thus, for the reasons stated above, we do not find any merit in the writ petition and it is dismissed accordingly. No Costs.

(T.R., ACJ.) (D.K.K., J.)  
11.10.2022

rkm  
Index:yes/no  
Speaking/non-speaking



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To

1. The District Collector,  
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2. The Tahsildar,  
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THE HON'BLE ACTING CHIEF JUSTICE  
and



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D.KRISHNAKUMAR, J.  
rkm

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