



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7001 of 2020

V.R.C.Chandrasekaran

... Petitioner

vs.

1.The Government of Tamil Nadu
represented by its District Collector,
Cuddalore District,
Cuddalore.

2.The Block Development Officer,
Kammapuram,
Cuddalore District.

3.The Tahsildar,
Virudhachalam.

4.The Assistant Engineer,
(Highways Department)
Virudhachalam Sub Division,
Virudhachalam.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to restore the possession of the land in Survey No.613/1A, Muthanai Village, Virudhachalam Taluk after removing encroachment, to the petitioner or grant compensation to the petitioner by acquiring the said land by land acquisition.

For Petitioner : Mr.J.Antony Jesus

For R1, R3 and R4 : Mr.C.Kathiravan
Special Government Pleader

For R2 : Mr.M.Elumalai



ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to restore the possession of the land in Survey No.613/1A, Muthanai Village, Virudhachalam Taluk after removing encroachment, to the petitioner or grant compensation to the petitioner by acquiring the said land by land acquisition.

2. The case of the petitioner is that the petitioner owned patta land comprised in S.No.613/1A ad-measuring to an extent of 0.06 Hectares situated at Muthanai Village, Virudhachalam Taluk, Cuddalore District. Adjacent to his patta land, there is a Government Poramboke land comprised in S.No.607. However, the said land had been encroached by the encroachers. While being so, when the 4th respondent laying the public road in the Government Poramboke land comprised in S.No.607, the 4th respondent found some encroachments are there and as such, the 4th respondent laid road in the patta land belong to the petitioner comprised in S.No.613/1A. Therefore, the petitioner submitted detailed representation for surveying his patta land and fixing the boundaries.

3. Accordingly, the 3rd respondent surveyed the subject land and as per his report dated 04.10.2019, the land comprised in S.No.613/1A ad-measuring 0.06.00 Hectares belong to Balakrishnan S/o.Govinda Padaiyachi and Radha Ammal under Patta No.1475. Thereafter, the said land was settled through his mother viz., Radha Ammal in favour of the petitioner. On the western side of the patta land of the petitioner, there is a Government Poramboke land comprised in S.No.607 ad-measuring 0.16.00 Hectares. The existing road had been available only in the Government Poramboke land and however, the entire land was completely encroached by the encroachers and as such, by wrongly the road has been laid in the patta land belongs to the petitioner in S.No.613/1A ad-measuring 0.06.00 Hectares.

4. Further, the petitioner was directed to approach the concerned Department for compensation. Therefore, the petitioner made representation to the 2nd and 4th respondents herein. Thus, it is clear that the 4th respondent laid road in the patta land comprised in S.No.613/1A ad-measuring 0.06.00 Hectares belongs to the petitioner. Therefore, the petitioner is entitled for compensation or for restoration of his patta land.



5. Considering the above, the 1st and 4th respondents are directed to consider the petitioner's request as per the report submitted by the 3rd respondent dated 04.10.2019 and to pay adequate compensation for the land comprised in S.No.613/1A ad-measuring to an extent of 0.06.00 Hectares belong to the petitioner, which was used for laying road, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
The Government of Tamil Nadu
Cuddalore District,
Cuddalore.
- 2.The Block Development Officer,
Kammapuram,
Cuddalore District.
- 3.The Tahsildar,
Virudhachalam.
- 4.The Assistant Engineer,
(Highways Department)
Virudhachalam Sub Division,
Virudhachalam.

+1cc to Mr.M.Elumalai, Advocate SR. No.2784
+1cc to Government Pleader SR. No.3064

W.P.No.7001 of 2020

PCH (CO)
PR (07/02/2022)