

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.9458 of 2021

B.Sagaya Usha

...Petitioner

Vs.

- 1.The District Collector,
Office of District Collector,
Villupuram,
Villupuram District.
- 2.The Revenue Divisional Officer/Sub Collector,
Office of the Revenue Divisional Officer,
Tindivanam,
Villupuram District.
- 3.The Tahsildar,
Office of the Tahsildar,
Gingee,
Villupuram District.
- 4.The Block Development Officer (Village Panchayat)
Gingee Block Development Office,
Gingee - 604 151,
Villupuram District.

5.P.Karunanithi

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to take necessary steps to remove the Encroachments made by the 5th respondent herein, made on the pathway poramboke land in Survey number 62 of Kankankuppam Village, Gingee Taluk, Villupuram District and enable free access in the said pathway.

For petitioner : Mr.V.R.Appaswamee

For respondents : Mr.R.Siddharth
Govt. Advocate (for R1 to R4)
Mr.J.Dhamodaram (for R5)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The petitioner has come up with this writ petition seeking for issuance of a Writ of Mandamus directing the respondents 1 to 4 to take necessary steps to remove the encroachments made by the 5th respondent in the pathway poramboke land in S.No.62 of Kanakkankuppam Village, Gingee Taluk, Villupuram District.

2.The petitioner claims that he is the absolute owner of the agricultural land to an extent of 40 cents in S.No.61/2B & 61/2C situated at Kanakkankuppam Village, Gingee Taluk, Villupuram District under sale deed dated 21.01.2009. According to the petitioner, his land is situated adjacent to the Anathapuram-Kanakkankuppam road and the land measuring 13x20 feet in between his land and the road in S.No.62 has been classified as road poramboke and the same has been used by the petitioner for ingress and egress to his land.

3.It is alleged by the petitioner that the fifth respondent, who is the owner of the adjacent property in S.No.61/1 and 61/3, has now encroached upon the road poramboke preventing the petitioner from using the said land for ingress and egress. Hence, he made a representation to the official respondents, however, the encroachment has not been removed.

4.The learned counsel appearing for the petitioner Mr.V.R.Appaswamee would state that the petitioner would be satisfied if a direction is issued to the respondents 3 and 4 to take appropriate action on the representation of the petitioner.

5.The learned Government Advocate appearing for the respondents 1 to 4 Mr.R.Siddarth would state that the fourth respondent has already sent a letter to the third respondent/Tashildar, Gingee, for conducting a survey and based on the survey report, the respondents would remove the encroachment, if any.

6.In the light of the submission of the learned counsels and the limited scope of the prayer sought for in this writ petition, this Court without expressing any opinion on the merits of the matter, directs the third respondent to conduct joint survey in S.No.62 of Kanakkankuppam Village in the presence of the petitioner and the fifth respondent. During survey, if any encroachment is found as alleged by the petitioner in the land in question, the respondents 3 and 4 shall remove the encroachment in accordance with law, after affording opportunity to all the necessary parties. The said exercise shall be completed within a period of six months from

the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

skn

To

- 1.The District Collector,
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- 4.The Block Development Officer (Village Panchayat)
Gingee Block Development Office,
Gingee - 604 151,
Villupuram District.

+1cc to M/s.V.R.Appaswamy, Advocate, S.R.No.540

+1cc to the Government Pleader, S.R.No.618,1135

W.P.No.9458 of 2021

KSM(CO)
SB(24/01/2022)