

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.10943 of 2021

J.Rajkumar

...Petitioner

Vs.

1. The District Collector,
Office of District Collector,
Thiruvannamalai,
Thiruvannamalai District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Arani,
Thiruvannamalai District.
3. The Tahsildar,
Office of the Tahsildar,
Polur,
Thiruvannamalai District.
4. The Executive Officer,
Selection Grade Town Panchayat,
Kalambur, 606 903,
Thiruvannamalai District.
5. The Village Administrative Officer,
Mel Ayyampettai Village (Aliyabath village),
Kalambur Town Panchayat,
Thiruvannamalai District.
6. Thangamani
7. Manoharan
8. Subramani
9. Palaniyandi
10. Perumal
11. Govindasami
12. Balaraman
13. Kuttiyappan
14. Ganesan

15.Kasi

...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 5 to take necessary steps to remove the Encroachments made by the respondents 6 to 15 herein, made on the Kalam Poramboke land in Survey No.220/1A of Aliyabath Village, Kalambur Town Panchayat, Polur Taluk, Thiruvannamalai District mentioned in Form 1 on the file of the 3rd respondent, Polur Tahsildar and enable the petitioner to do the agricultural activities and works in his lands.

For petitioner : Mr.V.R.Appaswamee

For respondents : Mr.K.V.Sajeev Kumar
Spl. Govt. Pleader (for R1 to R3)

Mr.Venkateswaran (for R4 & R5)

Mr.A.Rajendran (for R6 to R15)

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 5 to take necessary steps to remove the encroachments made by the respondents 6 to 15 in the Kalam Poramboke land in Survey No.220/1A of Aliyabath Village, Kalambur Town Panchayat, Polur Taluk, Thiruvannamalai District mentioned in Form 1 on the file of the 3rd respondent, Polur Tahsildar and enable the petitioner to do the agricultural activities and works in his lands.

2.The petitioner claims that his family own agricultural lands to an extent of 57 acres in S.No.224/2A and 4 acres in S.No.224/B situated at Aliyabath village and they are doing agricultural activities by cultivating crops. A Kalathu Poramboke land (Threshing floor) to an extent of 0.37.5 ares in S.No.220/1 at Gangai Amman Koil Street is situated adjacent to their land. The petitioner and other formers used to dry their respective yields in the said Kalam for the past several decades.

3.It is alleged by the petitioner that the respondents 6 to 15 have encroached upon the said Kalam Poramboke land by dumping their rubbishes, putting cattle sheds, keeping bundle of straws and by putting hurts. 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 4 and 5 Mr.Venkateswaran would state that the fourth respondent has already sent a letter to the third respondent/Tashildar for conducting a survey.

6.The learned Special Government Pleader appearing for the respondents 1 to 3 Mr.K.V.Sajeevkumar would state that the third respondent is ready to conduct survey and based on the survey report, the official respondents would remove the encroachment, if any.

7.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.220/1A of Aliyabath village in the presence of the petitioner and the respondents 6 to 15. 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.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

skn

To

1. The District Collector,
Office of District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
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5. The Village Administrative Officer,
Mel Ayyampettai Village (Aliyabath village),
Kalambur Town Panchayat,
Thiruvannamalai District.

+1cc to Mr.V.R.Appaswamee, Advocate, S.R.No.539

+1cc to Mr.A.Rajendran, Advocate, S.R.No.286

+1cc to the Government Pleader, S.R.No.1136

W.P.No.10943 of 2021

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NSK 24/01/2022