



W.P.No.12108 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2022

CORAM :

THE HON'BLE MR. JUSTICE **R. MAHADEVAN**

W.P.No.12108 of 2022

and

W.M.P.Nos.11540 and 11541 of 2022

R.Suresh

..Petitioner

Vs

1.The District Collector,
Vellore District.

2.The Block Development Officer,
K.V.Kuppam Panchayat Union
K.V.Kuppam
Vellore District.

3.The President,
Ammanangkuppam Villlage Panchayat,
Ammanangkuppam Village,
K.V.Kuppam Panchayat Union,
Vellore District 635 803.

4.Kaveri

..Respondents

Writ petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus to direct the 2nd respondent by himself



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or to depute Competent Officer to carry out field visit and to demarcate the vacant site which is claimed by the 4th Respondent for constructing house along with land in Old Survey No.84, New Survey No.84/31 in Ammanangkuppam Village as under the Prime Minister Awaas Yojana (PMAY) Scheme or any other housing scheme and not to permit the Respondents 1 to 3 to carry on the construction in the Petitioner's land situated in above survey number.

For Petitioner : Mr.R.S.Selvam

For R1 to R3 : Mrs.Anitha
Special Government Pleader

ORDER

The prayer made in this writ petition is to issue a writ of mandamus directing the second respondent to carry out field visit and demarcate the vacant site, which is claimed by the 4th Respondent for constructing house along with the land in Old Survey No.84, New Survey No.84/31 in Ammanangkuppam Village under the Prime Minister Awaas Yojana (PMAY) Scheme and not to permit the officials to carry on the construction in the Petitioner's land situated in the said survey number.



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2. According to the petitioner, by way of partition, his father had acquired the property in Old S.No.84, New S.No.84/31 in Ammanangkuppam Village, Gudiyatham Taluk, Vellore District. After the demise of his father, the petitioner, his mother, sister and brother succeeded to the said property. While so, the fourth respondent being an adjacent land owner, tried to encroach the petitioner's property to an extent of 3 feet on the southern side. The petitioner filed a suit in O.S.No.136/2014, which was dismissed for deficit court fee, by the District Munsif Court, Katpadi. Challenging the same, he preferred an appeal suit before the Principal District Court, Vellore and the same is pending. In the mean while, the fourth respondent, in order to claim subsidy under the Prime Minister Avas Yojna Scheme and to defeat the right of the petitioner over the subject land, has attempted to construct a pucca house in his land along with the encroached portion. On coming to know about the same, the petitioner made representations dated 20.11.2021 and 19.04.2022 to the respondent officials to conduct survey and demarcate the subject property and till such time, not to permit any construction in the said survey number. However, till date, no action was taken on the same. Therefore, this writ petition.



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3. The learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the respondent authorities to dispose of the representations of the petitioner, on merits, for which, the learned Special Government Pleader taking notice of the respondents 1 to 3 has no serious objection.

4. In view of the above, this court directs the respondent authorities to consider the petitioner's representations dated 20.11.2021 and 19.04.2022 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the fourth respondent. Such an exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

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Index: Yes/No
hvk/dm



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To

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K.V.Kuppam, Vellore District.
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R. MAHADEVAN, J.

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