



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.15632 of 2022

G.Selvi

.. Petitioner

vs

1. The District Collector
Thiruvannamalai District
Thiruvannamalai.

2. The Revenue Divisional Officer
Cheyyar Town, Cheyyar
Thiruvannamalai District.

3. The Tahsildar
Cheyyar Taluk
Cheyyar. Tiruvannamalai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus directing the respondents herein to remove the encroachments in the waterbody Old Devaneri Kulam in Kodanagar Village of Cheyyar Taluk, Tiruvannamalai District comprised in Sy.No.31 measuring 1.49.5 Ares (3.70 Acres) which has now been merged with Thiruvettipuram Municipality in Tiruvannamalai District and has been assigned Town Survey No.21.

For the Petitioner : Mr.K.Selvakumar

For the Respondents : Mr.J.Ravindran,
Additional Advocate General
assisted by Mr.A.Selvendran
Special Government Pleader
- for RR 1 to 3.

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The writ petition has been filed alleging encroachment on the land comprised in S.No.31 measuring an extent of 1.49.5 Ares



(3.70 Acres) situated in Kodanagar village, Cheyyar Taluk, Tiruvannamalai District.

2. Though an allegation of encroachment has been made by the petitioner, none has been made as party respondents, despite the fact that the outcome of the writ petition in the form of direction to remove the encroachment would personally affect them. The writ petition thus suffers from non-joinder of necessary parties and on the said ground, the writ petition deserves to be dismissed. Even otherwise it could not be explained by the petitioner as to why a suit for injunction was not filed immediately when the construction was raised so as to stop it and now the construction has been completed with a house building and the writ petition has been filed with a delay.

3. For the aforesaid reasons, the writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

kst

To:

1. The District Collector
Thiruvannamalai District
Thiruvannamalai.
2. The Revenue Divisional Officer
Cheyyar Town, Cheyyar
Thiruvannamalai District.
3. The Tahsildar
Cheyyar Taluk
Cheyyar. Tiruvannamalai District.

+1cc to M/s.K.Selvakumar, Advocate, S.R.No.38183

+1cc to the Government Pleader, S.R.No.38213

W.P.No.15632 of 2022

AD (CO)

UMA (28/06/2022)