



WEB COPY



W.P.No.17788 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM :

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

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.17788 of 2022

N.Ramadass

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Petitioner

Vs.

1. The Commissioner
Virudhachalam Municipality
Office of the Commissioner
Virudhachalam Taluk
Cuddalore District.
2. Revenue Divisional Officer
Virudhachalam Taluk
Office of the Revenue Divisional Officer
Virudhachalam
Cuddalore District.
3. The Tahsildar
Virudhachalam
Office of the Tahsildar
Virudhachalam Taluk
Cuddalore District.
4. The Town Surveyor
Office of the Town Surveyor
Virudhachalam Municipality
Virudhachalam, Cuddalore District.

..

Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari to call for the records in connection with the impugned order viz. Notice in Encroachment No.4/2022 dated 08.06.2022 of the first respondent and quash the same.

For the Petitioner : Mr.A.S.Balaji

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondent-1

Mr.J.Ravindran
Additional Advocate General
Assisted by
Mr.A.Selvendran
Special Government Pleader
for Respondents 2 to 4

ORDER

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

The writ petition has been filed challenging the notice dated 08.06.2022 whereby the petitioner was asked to remove the encroachment on the Government road of an area of 6x3 meters.

2. The petitioner has referred to the patta of the land where



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his ancestors resided for the last 80 years and submitted that they have not encroached the government road.

3. Learned Additional Advocate General submits that the notice is not to remove the possession of the petitioner from the patta land, but to remove the possession of the petitioner only to the extent of encroachment of the government road.

4. We have considered the rival submissions and find that the petitioner is having patta for the land.

5. The issue now is whether the petitioner has gone beyond the boundaries of the patta land and encroached the land of the government road. The issue aforesaid can be determined only by causing a survey and considering the objection made by the petitioner.

6. In view of the above, the writ petition is disposed of with a direction to the respondents to cause survey of the land to



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determine the boundaries of the government road and if it is found that the petitioner has encroached any part of the government road, then they would remove it. Let the aforesaid exercise be taken within a month. There will be no order as to costs. Consequently, WMP No.17080 of 2022 is closed.

(M.N.B., CJ.) (N.M., J.)
13.07.2022

Index : Yes/No

kpl

To:

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M.N.BHANDARI, CJ
AND
N.MALA,J.

(kpl)

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