



W.P.No.24656 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.24656 of 2022

R.Sumathi

.... Petitioner

Vs.

1. The District Collector,
Thiruvallur District.

2. The Thasildar,
Poonamallee, Chennai.

3. V.Sekar

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the respondents 1 and 2 to take appropriate steps to remove the unauthorized construction and encroachment committed by the third respondent with reference to the representation of the petitioner dated 03.08.2022, within the stipulated period prescribed by the Court.



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For petitioner : Mr.G.Thangavel
For Respondents : Mr.A.Selvendran, Spl.Govt.Pleader
For R1 and R2.

ORDER

(Order of this Court was made by D.KRISHNAKUMAR, J.)

This Writ petition has been filed seeking to issue a writ of Mandamus, directing the respondents 1 and 2 to take appropriate steps to remove the unauthorized construction and encroachment committed by the third respondent with reference to the representation of the petitioner dated 03.08.2022, within the stipulated period prescribed by the Court.

2. The petitioner is the absolute owner of the vacant land measuring to an extent of 4806 sq.ft. in S.No.321, Vanagaram Village, Maduravoyal and he had obtained plan approval for construction in the above said plot. While the petitioner inspected the property for construction work, the third respondent unlawfully encroached the path way at survey No.321, which is already demarcated as “ Kalam



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Poramboke”, only through which, the land owners can enter into the land. It is revealed from the Revenue Records that the first respondent has already taken steps to remove the unauthorized construction by the third respondent, vide proceedings dated 30.07.2016 and has already declared that the third respondent has no right to encroach and use the path way of Kalam Promboke Land. The Appeal filed by the third respondent against the eviction order was also rejected . However, the first respondent has not taken effective steps to remove the encroachment. Hence,the petitioner made a representation dated 03.08.2022 to the first respondent to remove the encroachment made by the third respondent to an extent of 0.44.0 Hectares in Survey No.321, which was classified as Kalam Poramboke. But, no action was taken. Hence the writ petition.

3. The learned Special Government Pleader, appearing for the first and second respondent submitted that the writ petitioner is also an encroacher in the above said Government Land. He further submitted that, if any encroachment is found in Survey No.321, demarcated as “ Kalam Poromboke”, the authorities concerned will take strict action



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for removing the encroachment, by following the procedures.

4. In reply to the submission made by the learned Special Government Pleader, the counsel for the petitioner submitted that, if the petitioner made any encroachment in the above said property, he is ready to vacate the same voluntarily.

5. Recording the submission made by the learned counsel for the petitioner and the learned Special Government Pleader, the second respondent is directed to consider the representation of the petitioner dated 03.08.2022 and take action to remove the encroachment in the light of the Proceedings of the District Collector, by proceedings dated 30.07.2016 and as per law, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

mst

(D.K.K., J.) (K.R., J.)

25.11.2022



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To

1. The District Collector,
Thiruvallur District.
2. The Thasildar,
Poonamallee, Chennai.



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**D. KRISHNAKUMAR, J.
and
KRISHNAN RAMASAMY, J.**

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