



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.28510 of 2021

M.Santhoshkumar

...Petitioner

Vs.

- 1.The District Collector
Krishnagiri District.
- 2.The District Revenue Officer
Krishnagiri
Krishnagiri District.
- 3.The Revenue Divisional Officer
Krishnagiri
Krishnagiri District.
- 4.The Tahsildar
Uthangarai Taluk
Krishnagiri District.
- 5.The Block Development Officer
Uthangarai
Krishnagiri District.
- 6.The President
Gollapatti Panchayat
Uthangarai Taluk
Krishnagiri District.

7.Raguraman

...Respondents

Prayer :Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to evict the encroachment as found in Survey No.36/2 to the extent of 0.30.0 hectares of land situated at Gollapatti (Pasandi), Uthangarai Taluk, Dharmapuri District, pursuant to the proceedings of the 4th respondent in Na.Ka.No.3661/2016/A3 dated 25.07.2016 being a cart track.



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For petitioner : Mr.J.Pradeep
For respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader
for RR1 to 4
Mr.C.D.Modhi
Government Advocate for R5
Mrs.E.Indhumathi
Government Advocate for R6

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

By consent, this writ petition has been taken up for final disposal at the admission stage itself.

2.Heard, Mr.J.Pradeep, learned counsel appearing for the petitioner; Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the respondents 1 to 4; Mr.C.D.Modhi, learned Government Advocate appearing for the 5th respondent and Mrs.E.Indhumathi, learned Government Advocate appearing for the 6th respondent.

3.The petitioner has come forward with this writ petition, for issuance of writ of mandamus, directing the respondents 1 to 6 to evict the encroachment in Survey No.36/2 to an extent of 0.30.0 hectares of land situated at Gollapatti (Pasandi), Uthangarai Taluk, Dharmapuri District.

4.The petitioner would state that he is having agricultural lands in Survey Nos.26/3, 26/2A in Gollapatti Village. A pathway has been formed in Survey No.36/2, which has been classified as 'Padhai Poramboke'. The petitioner as well as the other villagers are using the pathway to reach their property. While so, the 7th respondent has encroached upon the Padhai Poramboke land, preventing the petitioner and others from using the pathway as ingress and egress to their property. Hence, a representation was made on 16.06.2016. Though the 4th respondent had taken decision to survey the property, no further action was taken to remove the encroachment.

5.The learned counsel for the petitioner, Mr.J.Pradeep, would state that it would suffice, if the 4th respondent is directed to take action on the representation of the petitioner.

6.The learned Special Government Pleader, Mr.K.V.Sajeev Kumar, appearing for the respondents 1 to 4, would state that based on the representation of the petitioner, the Tahsildar has issued a notice in the year 2016 to find out if there is any encroachment in the subject property, but subsequently no action



was taken and now, the 4th respondent is ready to take further action in accordance with law.

7. In the light of the submissions made by the learned counsels, the 4th respondent is hereby directed to conduct survey in Survey No.36/2 situated at Gollapatti (Pasandi), Uthangarai Taluk, in the presence of the petitioner and other necessary parties. If the 4th respondent comes to the conclusion that there is an encroachment in the said Survey Number, he shall remove the same by following due process, within a period of three 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-VI)

//True Copy//

Sub Assistant Registrar

Jer

To

1. The District Collector,
Krishnagiri District.
2. The District Revenue Officer,
Krishnagiri, Krishnagiri District.
3. The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.
4. The Tahsildar,
Uthangarai Taluk, Krishnagiri District.
5. The Block Development Officer,
Uthangarai, Krishnagiri District.
6. The President,
Gollapatti Panchayat, Uthangarai Taluk, Krishnagiri District.

+1cc to Mr.J.Pradeep, Advocate SR. No.969

W.P.No.28510 of 2021

RK (CO)

PR (15/02/2022)