



W.P.No.29519 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.29519 of 2022

Sathyaprakash

.. Petitioner

VS

- 1.The Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Cuddalore District.
- 3.The Divisional Regional Officer,
Cuddalore Taluk, Cuddalore District.
- 4.The Thasildar,
Cuddalore Taluk, Cuddalore District.
- 5.The Village Administrative Officer,
Cuddalore Taluk, Cuddalore District.
- 6.Sekar
- 7.Swami Durai



W.P.No.29519 of 2022

8.Chinnaswamy

9.Muthaliappan

10.The President,
A-Marur Village Panchayat,
Veppur Taluk,
Cuddalore District.

11.The Block Development Officer,
Nallur Panchayat Union,
Cuddalore District.

.. Respondents

(Respondent Nos.10 and 11 suo-motu
impleaded in this order)

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 9 not to put up any illegal construction in Survey No.15/1A, 15/1C, 15/5 and 23 A-Marur Village, Veppur Taluk, Cuddalore District by considering the representation made by the petitioner dated 25.07.2022.

For the Petitioner : Mr.K.Srinivasan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 5 & 11



W.P.No.29519 of 2022

WEB COPY

ORDER

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

Mr.Sathyaprakash, son of Subramani, a resident of A-Marur Village, Veppur Taluk, Cuddalore District, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 5 to remove the encroachments made by respondents 6 to 9 in Survey Nos.15/1A, 15/1C, 15/5 and 23 of A-Marur Village, Veppur Taluk, Cuddalur District.

2. Heard Mr.K.Srinivasan, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 5.

3. The petitioner and other residents of A-Marur Village have submitted a representation on 25.7.2022 to the second respondent/ District Collector to remove the encroachments made by respondents 6 to 9 in Survey No.23 measuring an extent of 272 cents; Survey No.15/1A measuring an extent of 41 Acres; Survey No.15/1C measuring an extent of 4 Ares, which are classified as Cemetery and



W.P.No.29519 of 2022

in Survey No.15/5 measuring an extent of 19 Ares, which is classified as road. Since there was no response from the second respondent, the petitioner has been advised to file the present writ petition.

4. It is the claim of the petitioner that in the year 2007, A-Marur Panchayat Board has passed a resolution to remove the encroachments made in the aforesaid survey numbers and a copy of the resolution was also forwarded to the Revenue Divisional Officer. However, till date respondents 2 to 5 have not taken any steps to remove the encroachments in the aforesaid survey numbers.

5. At this juncture, learned State Government Pleader submitted that the President of A-Marur Village and the Block Development Officer of Nallur Panchayat Union are necessary parties to this writ petition, as the removal of encroachments would be undertaken only by the Block Development Officer, Nallur Panchayat Union. However, the aforesaid two authorities have not been impleaded as respondents in this writ petition. Therefore, the said authorities may be impleaded as party respondents in this writ petition.



W.P.No.29519 of 2022

WEB COPY

6. Considering the submission made by learned State Government Pleader, the President, A-Marur Village Panchayat, Veppur Taluk, Cuddalore Taluk and the Block Development Officer, Nallur Panchayat Union, Cuddalore District are suo motu impleaded as respondent Nos.10 and 11 in this writ petition.

7. Mr.P.Muthukumar, learned State Government Pleader, accepted notice on behalf of the newly impleaded eleventh respondent/Block Development Officer, Nallur Panchayat Union.

8. Since a representation has been submitted by the petitioner and the villagers to remove the encroachments made by respondents 6 to 9 in Survey Nos.15/1A, 15/1C, 15/5 and 23 of A-Marur Village, Veppur Taluk and the respondent authorities have not taken any action on the said representation till date, the petitioner has approached this Court by filing the instant writ petition.

9. Learned Government Pleader submitted that the 11th respondent is the competent authority to remove the encroachments



W.P.No.29519 of 2022

WEB COPY

made by respondents 6 to 9 in the lands in question.

10. In view of the above, we hereby direct the 11th respondent/Block Development Officer, Nallur Panchayat Union to cause an inspection of the lands in Survey Nos.15/1A, 15/1C, 15/5 and 23 of A-Marur Village, Veppur Taluk and if any encroachment is found, the same shall be removed, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after issuing notices to the encroachers/affected parties.

With the above observation and direction, the writ petition is disposed of. There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)
09.11.2022

Index : Yes/No
bbr



W.P.No.29519 of 2022

To:

WEB COPY

- 1.The Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Cuddalore District.
- 3.The Divisional Regional Officer,
Cuddalore Taluk, Cuddalore District.
- 4.The Thasildar,
Cuddalore Taluk, Cuddalore District.
- 5.The Village Administrative Officer,
Cuddalore Taluk, Cuddalore District.
- 6.The President,
A-Marur Village Panchayat,
Veppur Taluk,
Cuddalore District.
- 7.The Block Development Officer,
Nallur Panchayat Union,
Cuddalore District.



WEB COPY



W.P.No.29519 of 2022

T.RAJA, ACJ.
AND
D.KRISHNAKUMAR,J.

bbr

W.P.No.29519 of 2022

09.11.2022