



WEB COPY



W.P.No.33461 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE PARESH UPADHYAY

W.P.No.33461 of 2022

K.Vijayan

.. Petitioner

vs

1. The Collector
O/o Collectorate
Krishnagiri District
2. The Tahsildar
Taluk Office
Bargur Taluk
3. The Assistant Engineer
Highways Department
(Construction & Maintenance)
Mathur, Bargur taluk
Krishnagiri District.

4. Sathish

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the entire records relating to the proceedings of the 3rd respondent in Proceeding No.Na.Ka.19/2022/ENIU/dated 3.11.2022 and quash the same.



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For the Petitioner : Mr.K.Nagarajan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 3

ORDER

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

Challenging the correctness of the impugned proceedings of the third respondent in Proceedings No.Na.Ka.19/2022/ENIU, dated 3.11.2022, the petitioner has filed the present writ petition.

2. Learned counsel for the petitioner submitted that the Tahsildar has issued patta in respect of Survey No.406/A1 measuring an extent of 0.00.5 cents in favour of the father of the petitioner and his father has been in absolute possession and enjoyment of the said property. In the year 2020, the petitioner's father Kannan executed a settlement deed in favour of the petitioner vide Document No.87 of 2020 registered on the file of SRO, Pochampally. He would submit that when the fourth respondent started giving trouble to the petitioner's possession, the petitioner has filed a civil suit in



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O.S.No.14 of 2021 before the District Munsif Court, Pochampally for permanent injunction against the fourth respondent and the said suit is still pending.

3. Learned counsel for the petitioner further submitted that the father of the petitioner has also lodged a complaint against the fourth respondent before the Inspector of Police, Mathur Police Station and CSR receipt has also been given acknowledging the said complaint. On 18.1.2021, the petitioner's father had also submitted a representation to the Tahsildar for survey of the land in Survey Nos.405 and 406 and the survey was carried out by the Tahsildar. Narrating the illegalities committed by the fourth respondent against the petitioner and his family members, the petitioner has submitted a representation to the first respondent on 29.9.2022 for taking necessary action.

4. Learned counsel for the petitioner added that the Assistant Executive Officer had issued a notice to the petitioner vide Proceedings Na.Ka.No.101/10/2022 U.P.O dated 14.10.2022 for survey of the land for fixing boundaries. According to learned counsel for



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the petitioner, after issuance of patta in respect of the land covered in Survey No.406/A1, the third respondent ought not to have issued the impugned proceedings. He would submit that the impugned proceedings alleges that the petitioner has encroached the land covered in Survey No.19/4, but there is no such encroachment in Survey No.19/4.

5. When the petitioner makes a statement that he has not encroached upon the land covered in Survey No.19/4 situated in Kannadahalli Village, it is not known why the petitioner has filed the instant writ petition.

6. In view of the above, the third respondent can proceed further for removal of encroachment made in Survey No.19/4 in accordance with law.

7. With the above, the writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.32901 of 2022 is closed.

(T.R., ACJ.)

(P.U., J.)



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