



W.P.No.33404 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.33404 of 2022

R.Kavitha

.. Petitioner

vs

1.The Thasildhar,
Thasildhar Office,
Mohanur Taluk,
Namakkal District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Namakkal District,

3.The District Revenue Officer,
District Revenue Office,
Namakkal District.

4.The District Collector,
District Collector Office,
Namakkal District.



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5.Appavu

6.The Block Development Officer,
Mohanur Panchayat Union,
Namakkal District.

.. Respondents

(Respondent No.6 su-motu impleaded by this Court
as per this order)

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st to 4th respondents to remove the encroachment made in the road situated in Survey No.86/29 by the 5th respondent.

For the Petitioner : Mr.A.Kumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 4
and 6

ORDER

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

R.Kavitha, wife of Gunasekaran, a resident of No.2/87, Kalipalayam, Mohanur Taluk, Namakkal District, has filed this writ petition for issuance of a writ of mandamus to direct respondents 1 to 4 to remove the encroachment made by the fifth respondent in the public road situated in Survey No.86/29.



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2. Learned counsel for the petitioner, in support of the prayer made in the writ petition, submitted that the petitioner's father-in-law K.Veerappan purchased a land through a registered sale deed bearing Document No.336 of 1985 on 11.3.1985 and the petitioner's husband had constructed a house for his family to reside therein. Since the fifth respondent stored large quantity of sand and also blocked the road situated at Survey No.86/29, no one is able to use the said road even for transporting materials for agricultural purpose and the farmers are also facing difficulties. In this connection, a representation has been submitted by the petitioner on 3.6.2022 to the first respondent with a request to remove the unlawful encroachment made by the fifth respondent in the road situated at Survey No.86/29.

3. Learned counsel for the petitioner would submit that the said representation has been received by the first respondent. Since the first respondent has not taken steps, the petitioner has submitted yet another representation to the second respondent on 3.8.2022. Pursuant to the representation dated 3.8.2022, the second



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respondent Revenue Divisional Officer sent a memo in Na.Ka.No.7212/2022/A2 to the first respondent Tahsildar to conduct a spot inspection and report the same to the second respondent, but no action was taken by the first respondent till date. Hence, the petitioner has been advised to file the present writ petition.

4. We have considered the submissions made by learned counsel for the petitioner.

5. The petitioner has produced before us a copy of the FMB sketch and "A" register to make it clear that the encroachment has been made in a public road running in Survey No.86/29.

6. At this stage, Mr.P.Muthukumar, learned State Government Pleader, submitted that since the encroachment is found in rural area, the Block Development Officer, Mohanur Panchayat Union, is a necessary party to the writ petition.

7. Considering the submission made by learned State Government Pleader, the Block Development Officer, Mohanur



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Panchayat Union, is impleaded as the sixth respondent in the writ petition. Learned State Government Pleader accepts notice on behalf of the newly impleaded sixth respondent. The Registry is directed to carry out necessary amendment in the writ petition.

8. Learned State Government Pleader continues his argument and submitted that since the second respondent has already directed the Tahsildar, Mohanur to conduct an inspection and report the same, the grievance of the petitioner would be considered jointly by respondents 1 to 3 and the encroachment will be removed by respondent No.6, Block Development Officer, Mohanur Panchayat Union, within the stipulated time.

9. In view of the above, we hereby direct respondent Nos.1 to 3 and 6 to jointly consider the representation of the petitioner dated 3.8.2022 and remove the encroachment made in Survey No.86/29, within a period of four weeks from the date of receipt of a copy of this order, after issuing notice to all concerned.



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

(T.R., ACJ.) (P.U., J.)
13.12.2022

Index : Yes/No
bbr

To:

- 1.The Thasildhar,
Thasildhar Office,
Mohanur Taluk,
Namakkal District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Namakkal District,
- 3.The District Revenue Officer,
District Revenue Office,
Namakkal District.
- 4.The District Collector,
District Collector Office,
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- 5.The Block Development Officer,
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