



W.P.No.481 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.481 of 2019

S.Rekha

.. Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by Secretary
Revenue Department
Fort St. George
Chennai 600 009.

2. The District Collector
Perambalur District
Perambalur.

3. The Revenue Tahsildar
Taluk Office
Veppanthattai Taluk
Perambalur Taluk.

4. Mohammed Ali
5. Mushrath Ali
6. Imam Ali
7. Shajathi Begum

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 2 and 3 herein to take action under the Tamil Nadu Land Encroachment Act, 1905 against the respondents 4 to 7 for encroachment of the Government land situated in Re-Survey No.232/1C, Scheme, Vaalikandapuram Village, Vaalikandapuram Sub Registration District and Ariyalur Registration District, Trichy within a time frame to be fixed this Hon'ble Court pursuant to the petitioner's representations dated 19.11.2018 and 10.12.2018.

For the Petitioner : Ms.R.Meenakshi Devi

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

Mr.G.Padmanabhan
for Respondents 5 & 6

No appearance -
for Respondent-7

For R4 – Tapal returned as
'Left India'

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Ms.R.Meenakshi Devi, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader for the respondents 1 to 3 and Mr.G.Padmanabhan, learned counsel for the respondents 5 and 6.



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2. Learned counsel for the petitioner submits that the respondents 4 to 7 have encroached on the cart track situated in S.No.232/1C, Vaalikandapuram Village. By such encroachment, the respondents 4 to 7 are obstructing the use of the cart track by the Villagers and the petitioner.

3. An affidavit is filed by the third respondent. The relevant excerpts of the said affidavit read as under:

"It is submitted that the Petitioner owns the land in Survey No232/1C26B. The 4th Respondent's owns land in Survey No.232/1C16. The 5th Respondent is in occupation of the Survey No.232/35, 36(1C16). The 6th and 7th Respondent share his land with 4th Respondent.

It is submitted that the Survey No.232/1C26A is a Cart Track.

It is submitted that the Petitioner alleges that the Respondents 4 to 7 have encroached upon a cart track cum pathway in Survey No.232/1C26A.



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No.232/1C. The same was also complained on 19.11.2018 to the District Collector, Perambalur. Immediately after the receipt of the above petition the Tahsildar, Veppanthattai, directed the concerned V.A.O. Valikandapuram to examine the subject matter and submit a Report. Accordingly the V.A.O. Submitted a Report DATED 24.11.2018 to the 3rd Respondent herein. The V.A.O. has stated that the Petitioner seems to have given the said Petition in respect of the encroachment in Survey No.232/1C26A and according to her the same is a cart track. The V.A.O. would further report that there is no encroachment whatsoever as wrongly alleged by the Petitioner and hence no further action is required inn this subject matter.

It is submitted that though the Petitioner had mentioned the S.No.232/1C, the same is subdivided into many and even as per the Monday petition of the Petitioner the same was already examined and no encroachment is seen."

4. No malafides are alleged against the government authorities.



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There is no reason to disbelieve the affidavit filed by the third respondent. Moreover, in the affidavit, it is stated that some civil suit is also pending.

5. In the light of that, no further order need be passed in the writ petition. Accordingly, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.489 and 29531 of 2019 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

09.11.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Secretary
Revenue Department
Fort St. George, Chennai 600 009.
2. The District Collector
Perambalur District, Perambalur.
3. The Revenue Tahsildar
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