



W.P.No.855 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.855 of 2023

Rayappan

.. Petitioner

Vs

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Tahsildar,
Avinashi Taluk,
Avinashi,
Tiruppur District.

3.Thirumurthi
Anitha Devi Spinning Mills,
Srinivasapuram,
Avinashi, Tiruppur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 and 2 to remove the encroachments made by the third respondent in S.F.Nos.80 and 81 situate at Avinashi Village, Tiruppur Taluk.



W.P.No.855 of 2023

For the Petitioner : Mr.K.Govi Ganesan

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondent Nos.1 and 2

ORDER

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

This writ petition has been filed by the petitioner for issuance of a writ of mandamus directing respondents 1 and 2 to remove the encroachments made by the third respondent in Survey Nos.80 and 81 situated at Avinashi Village, Tiruppur Taluk.

2. Drawing our attention to the Memorandum dated 28.12.2021 of the District Collector and the revenue records, learned counsel for the petitioner submitted that the lands covered in Survey No.80-81/75 and 76 are classified as "Vandipathai", wherein encroachments have been made by the third respondent



W.P.No.855 of 2023

and the said encroachments need to be removed by the official respondents, enabling the petitioner and the other general public to use it as cart-track.

3. At this juncture, learned Additional Advocate General, assisted by learned Special Government Pleader, submitted that exactly which portion of S.Nos.80 and 81 has been encroached by the third respondent has not been clearly stated by the petitioner in the writ petition. However, he would submit that if six weeks' time is granted to the respondent authorities, they will conduct a survey of the lands in question and thereafter remove the encroachments.

4. Recording the submission made by learned Additional Advocate General, the writ petition is disposed of with a direction to the respondent authorities to conduct a survey of the lands in question, namely S.Nos.80-81/75 and 76 (Vandipathai), with the assistance of the jurisdictional Surveyor and, if any encroachment is found on the Vandipathai in question, the same is directed to be removed, after notice to the encroacher. The entire exercise is to be



W.P.No.855 of 2023

completed within a period of six weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
12.01.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

- 1.The District Collector,
Chengalpattu District.
- 2.The District Revenue Officer,
Collectorate,
Chengalpattu-603 001.
- 3.The Thasildar,
Thiruporur Taluk,
Chengalpattu District.



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W.P.No.855 of 2023

T.RAJA, ACJ.
AND
D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.855 of 2023

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