



WEB COPY



W.P.No.3229 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3229 of 2023

K.R.Kandhasamy

.. Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Erode District-638 011.
- 2.The District Revenue Officer (DRO),
District Collector's Office,
Erode District-638 011.
- 3.The Revenue Divisional Officer (RDO),
Office of the Revenue Divisional Officer,
Erode District-638 011.
- 4.The Tahsildar,
Tahsildar Office,
Perundurai Taluk,
Perundhurai-638 052.
- 5.N.Raman

.. Respondents



W.P.No.3229 of 2023

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to consider the petitioner's representation dated 13.5.2022 within the time period fixed by this Court and to remove the encroachment made by the fifth respondent in the common cart track situated in R.S.F.No.106 at Periyaveerasangli Revenue Village, Perunthurai Taluk, Erode District.

For the Petitioner : Mr.S.Vinoth Kumar

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

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 the first respondent to remove the encroachment made by the fifth respondent in the common cart track in R.S.F.No.106 situated at Periyaveerasangli Revenue Village, Perunthurai Taluk by considering the petitioner's representation dated 13.5.2022.



W.P.No.3229 of 2023

WEB COPY

2. Learned counsel appearing for the petitioner submitted that the fifth respondent has encroached the common cart track in R.S.F.No.106 situated at Periyaveerasangli Revenue Village and, therefore, the same should be removed by the respondent authorities.

3. Opposing the argument made by learned counsel for the petitioner, learned State Government Pleader appearing for the official respondents, by producing written instructions dated 6.2.2023, submitted that the land covered in S.No.106/1 has been classified as "house site" and the petitioner has failed to produce revenue records to show that there is an encroachment in the cart track in question.

4. On a perusal of the written instructions dated 6.2.2023 produced by learned State Government Pleader, it is seen that the land covered in S.No.106/1 has been classified as "house site" and the fifth respondent has been issued patta for the said land.



W.P.No.3229 of 2023

5. Since the land in question is not a Government poramboke cart track and patta for the said land has been issued to the fifth respondent, we find no merit in the writ petition.

6. Accordingly, the writ petition is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
07.02.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr

To:

- 1.The District Collector,
Office of the District Collector,
Erode District-638 011.
- 2.The District Revenue Officer (DRO),
District Collector's Office,
Erode District-638 011.
- 3.The Revenue Divisional Officer (RDO),
Office of the Revenue Divisional Officer,
Erode District-638 011.
- 4.The Tahsildar,
Tahsildar Office,
Perundurai Taluk,
Perundhurai-638 052.



WEB COPY



W.P.No.3229 of 2023

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

bbr

W.P.No.3229 of 2023

07.02.2023