



W.P.No.5937 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5937 of 2023

M.Sambath

.. Petitioner

Vs

1 The District Collector
Vellore District, Vellore.

2 The Revenue Divisional Officer
Gudiyatam, Vellore District.

3 The Tahsildar
Gudiyatam, Vellore District.

4 Poovarasan

5 Poonnarasan

6 Eswari

7 Govindaraj

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3



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to remove the encroachment made by the private respondents in land situated in S.No.559, Erthangal Village and Post, Gudiyattam Taluk, Vellore District, as per the FMB Sketch and A-Register based the communication of the 2nd respondent dated 22.02.2022.

For the Petitioner : Mr.G.Vinodhkumar

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

ORDER

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

M.Sambath, son of Munusamy, a resident of No.15, Pudhur, Erthangal Village, Gudiyattam Taluk, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 3 to remove the encroachment made by the private respondents in the land situated in S.No.559, Erthangal Village, Gudiyattam Taluk, Vellore District as per the FMB sketch and "A" Register based on the communication of the second respondent dated 22.2.2022.



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2. In support of the prayer made in the writ petition, Mr.G.Vinodhkumar, learned counsel for the petitioner, drew our attention to a copy of 'A' Register in respect of the aforesaid survey number and the communication dated 22.2.2022 of the second respondent and submitted that the said land is classified as "common pathway" (Government poramboke) and, therefore, the encroachment made by respondents 4 to 7 has to be removed.

3. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents 1 to 3, submitted that, if four weeks' time is granted, the respondent authorities will conduct a survey of the land in question and thereafter remove the encroachment, if any, after giving notice to the encroachers.

4. Recording the submission made by learned State Government Pleader, the writ petition is disposed of with a direction to respondent 1 to 3 to conduct a survey of the land in question with the assistance of the jurisdictional Surveyor and, if any encroachment is found, the same shall be removed after issuing



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notice to the encroachers. The entire exercise is to be completed within a period of four 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.)
28.02.2023

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

- 1 The District Collector
Vellore District, Vellore.
- 2 The Revenue Divisional Officer
Gudiyatam, Vellore District.
- 3 The Tahsildar
Gudiyatam, Vellore District.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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