



W.P.No.6299 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.6299 of 2018

R.Ragupathy

... Petitioner

Vs.

1.The District Collector,
Perambalur District,
Perambalur.

2.The Revenue Divisional Officer,
Perambalur, Perambalur District.

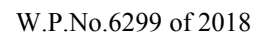
3.The Block Development Officer,
Office of the BDO,
Veppur, Perambalur District.

4.The Tahsildar,
Talk Office,
Kunnam Taluk,
Perambalur District.

5.T.Sekar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment raised by the fifth respondent by constructing a portion of his house in S.No.247 of Kadur North Village by protruding into the public road and



by obstructing the waste water canal causes health issues and obstructing the free exit entry for transportation of goods to and from the patta lands owned by the petitioner.

For petitioner : Ms.D.Naveena
For M/s.A.Arulmozhi

For respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R4

Mr.R.Thirumoorthy for R5

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

According to the petitioner, his patta land measuring to an extent of 0.20.0 acre is situated in Kadur North Village in S.No.148/3, as per old map and S.No.254/3A as per new map. While so, the fifth respondent constructed his house partly in his patta land in S.no.148/2 as per old map and S.No.246/2G, 2E as per new map, on the public road in S.No.247 as per new map and S.No.148/1 as per old map and thereby, caused obstruction to the free flow of entry and exit to transport the materials to the petitioner's lands. Therefore, the petitioner made a representation dated 12.01.2017 requesting the revenue officials to survey of the land and to demarcate the encroachment. Pursuant to the same, the field



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survey was conducted by the fourth respondent on 21.02.2017 with the assistance of the Land Surveyor (Varagur). However, till date, no action has been taken to remove the encroachments.

2.The petitioner further stated that in the mean while, the fifth respondent has extended the structure by encroaching the public road claiming it as his patta land and he completed the building in the year 2016, despite the strong objection and protest made by the neighbouring patta land owners as well as the villagers. Since the respondent authorities failed to take immediate action, the fifth respondent also put up a fence around the open area on the public land and prevented the petitioner and others from accessing the blockage of the water channel and caused obstruction to the carts and tractors to enter into their patta lands. Therefore, a common representation dated 05.08.2017 was given to the fourth respondent requesting to remove the encroachments made by the fifth respondent. However, the same has not been considered, till date, which compelled the petitioner to file this writ petition seeking appropriate direction to the respondents 1 to 4 in this regard.

3.When the matter was taken up for consideration, the learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the respondent authorities to consider the common representation made by the



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villagers of Kadur, dated 05.08.2017, on merits, for which, the learned Special Government Pleader appearing for the respondents 1 to 4 has no serious objection.

4.Considering the limited nature of the relief now sought herein, this court, without going into the merits of the case, directs the respondents 1 to 4 to consider the representation dated 05.08.2017, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as alleged by the petitioner, the same shall be removed, after following due process of law.

5. With the above direction, the writ petition is disposed of. No costs.

[R.M.D,J.] [M.S.Q, J.]
02.02.2023

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Speaking Order/Non-speaking order

Internet : Yes.

Index : Yes/No



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