



WEB COPY



W.P.No.4285 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4285 of 2023

Arikrishnan

.. Petitioner

Vs

1.The District Collector,
Tiruvannamalai District.

2.The Revenue Divisional Officer,
Arani, Tiruvannamalai District.

3.The Tahsildar,
Arani Taluk,
Tiruvannamalai District.

4.Velu

5.Rajendiran

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the 4th and 5th respondents in Grama Natham land bearing New Survey No.160/4 (Old Survey No.160/4) and its common pathway bearing New Survey No.160/30 (Old Survey No.160/4) of Kanikiluppai Village, Aranai Taluk, Tiruvannamalai District.



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For the Petitioner : Mr.M.Vijayaragavan

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

ORDER

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

Arikrishnan, son of Pichandi, a resident of Arani Taluk, Tiruvannamalai District, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 3 to remove the encroachment made by respondents 4 and 5 in Grama Natham land bearing New Survey No.160/4 (Old Survey No.160/4) and in common pathway bearing New Survey No.160/30 (Old Survey No.160/4) of Kanikiluppai Village, Arani Taluk, Tiruvannamalai District.

2. Mr.M.Vijayaragavan, learned counsel appearing for the petitioner, would submit that the petitioner has access to his agricultural land through the land in New Survey No.160/4 (Old Survey No.160/4), which is classified as "Grama Natham", and the land in New Survey No.160/30 (Old Survey No.160/4), which is



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classified as "Paattai" (pathway). Complaining that respondents 4 and 5 have encroached the said Gramana Natham land by constructing a hollow brick house and the pathway by planting chilly plants, thereby blocking the passage of the villagers, the petitioner sent representations on 2.1.2023, 5.1.2023 and 20.1.2023 to the respondent authorities. As the said representations did not evoke any response, the petitioner has been advised to file the present writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader accepting notice on behalf of respondents 1 to 3, would submit that, if six weeks' time is granted, the respondent authorities shall conduct a survey of the land in question and thereafter remove the encroachments.

4. Insofar as the land classified as "Grama Natham" in New Survey No.160/4 (Old Survey No.160/4) is concerned, we make it clear that inasmuch as the said land never vested with the Government or the Town Panchayat, summary eviction is not permissible in law. Therefore, the respondent authorities shall not



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proceed further in respect of the said land classified as "Grama Natham". However, as undertaken by learned State Government Pleader, the respondent authorities shall remove the encroachments in New Survey No.160/30 (Old Survey No.160/4), which is classified as "Paattai" (pathway).

5. In the result, the writ petition is disposed of with a direction to the respondent authorities to conduct a survey of the land in New Survey No.160/30 (Old Survey No.160/4), which is classified as "Paattai" (pathway), with the assistance of the jurisdictional Surveyor and, if any encroachment is found, the same shall be removed after notice to the encroachers. The entire exercise is to be 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.)
14.02.2023

Index : No
Neutral Citation : No
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THE HON'BLE ACTING CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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