

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

W.P. No. 5139 of 2023

and

W.M.P. No. 5144 of 2023

S.Settu

.. Petitioner

-vs-

1. The District Collector
Master Plan Complex
Collectorate Office
Villupuram – 605 602.
2. The Tahsildar
Melmalaiyanur Taluk
Villupuram District – 604 204.
3. The Block Development Officer
Melmalaiyanur Panchayat Union
Villupuram District – 604 204.

4. M.Dhanalakshmi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from constructing any permanent structure in the Public Road, comprised in Survey No. 175/9, Kalathampattu Village, Villupuram District, without surveying the lands and house in occupation of the petitioner comprised in Survey Nos. 175/11 and 175/12 and 175/9 in view of the petitioner's representation dated 19.12.2022.

For the Petitioner : Mrs. Karthikaa Ashok
For the Respondents : Mrs. R.Anitha, SGP (R1 & R2)
Mr. P.Muthukumar (R3)
State GP
R4-No appearance

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mrs.Karthikaa Ashok, learned counsel, for the petitioner; Mr.P.Muthukumar, learned State Government Pleader for the third respondent; and Mrs.R.Anitha, learned Special Government Pleader for respondents 1 and 2.

2. The learned counsel for the petitioner submits that the only request the petitioner has made in the present writ petition is that the respondents shall not lay down the road without surveying the lands and house in occupation of the petitioner in Survey Nos.175/11, 175/12 and 175/9 and marking the boundaries and demarcating the lands in Survey Nos.175/11 ad 175/12 and 175/9.

3. The Government has already issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 to the petitioner. The petitioner has also submitted his explanation and thereafter, notice/order under Section 6 of the Act has also been issued and the same is acted upon. If the petitioner is of the view that the survey needs to be conducted, the petitioner also can make an application for measurement of the properties. In case the petitioner makes an application for survey of the lands, the authority shall consider the application for survey and take a decision upon it expeditiously.

4. With these observations, the writ petition stands disposed of.
No costs. Connected, W.M.P.No.5144 of 2023 is closed.

(S.V.G., CJ.) (P.D.A., J.)
24.07.2023

Index : yes/no
Neutral Citation : Yes/No

Maya

W.P. No. 5139 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(Maya)

To:

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