



W.P.No. 6135 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MRS. JUSTICE R. KALAIMATHI

W.P. No. 6135 of 2022

Mr. Annadurai

..Petitioner

Vs.

1. The District Collector,
The District Collector's Office,
Ariyalur District,
Ariyalur.
2. Revenue Divisional Officer,
Revenue Divisional Office,
Udayarpalayam,
Ariyalur District.
3. The Thasildhar,
Thasildhar Office,
Udayarpalayam,
Ariyalur District.



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4. The Block Development Officer,
T. Pazhur, Udayarpalayam.

(4th respondent suo motu impleaded
as per order of Court dated 02.03.2023)

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying
for issue of a Writ of Mandamus directing the 3rd respondent to remove the
encroachment of the road in Survey Number 304/4, 305/5, 313/11 at
Suthamalli Village by way of illegal and unauthorized cultivation by the
encroacher based on my representation to the 3rd respondent on 27.04.2022.

For Petitioner :: Ms.R. Angalaparameshwari

For Respondents :: Mr.P. Muthukumar,
State Government Pleader
assisted by
Mr.P. Balathandayutham,
Special Government Pleader

O R D E R

S. VAIDYANATHAN,J

AND

R. KALAIMATHI,J.

The present writ petition is filed for issue of a Writ of Mandamus
directing the 3rd respondent to remove the encroachment of the road in
Survey Numbers 304/4, 305/5, 313/11 at Suthamalli Village by way of



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illegal and unauthorized cultivation by the encroacher based on my representation to the 3rd respondent on 27.04.2022.

2. The grievance of the petitioner is with regard to non-removal of encroachment on the road in Survey Numbers 304/4, 305/5 and 313/11 at Suthamalli Village by the respondents.

3. Learned counsel for the petitioner submitted that the place has been identified by the Electricity Board for bore well electricity connection to the petitioner's agricultural lands and unless the encroachers are evicted/removed, there is no possibility of providing the same to the petitioner.

4. Though the encroachers have not been made as parties, Mr.P. Muthukumar, learned State Government Pleader appearing for the respondents produced a communication of the Tahsildar, Udayarpalayam, dated 08.11.2022 asking the Block Development Officer, T. Pazhur, Udayarpalayam to take necessary steps to remove the encroachments and to



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send a report. It is represented by the learned State Government Pleader that the encroachers have voluntarily stated that after harvest in the pathway, they are willing to vacate the place. He would further state that action has been initiated and that no further encroachment could be made in the aforesaid survey numbers.

5. Heard both sides.

6. Since the Block Development Officer, T. Pazhur, Udayarpalayam is a necessary party to the writ petition, this Court suo motu impleads the said authority as 4th respondent to the writ petition. Learned State Government Pleader takes notice on behalf of the newly impleaded 4th respondent.

7. A perusal of the copy of the “ A ” Register produced before this Court would make it very clear that the three survey numbers namely, 304/4, 305/5, 313/11 at Suthamalli Village mentioned by the petitioner are ‘*vandipathai*’ and therefore, no one is entitled to encroach upon the same.



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8. In view of the submission made by the learned State Government Pleader that action has been initiated to remove the encroachers, the 4th respondent shall take necessary steps and ensure that the encroachers are removed by **15th June, 2023.**

9. The writ petition is disposed of accordingly. No costs.

(S.V.N.J.) (R.K.M.J.)
02.03.2023

nv

To

1. The District Collector,
The District Collector's Office,
Ariyalur District,
Ariyalur.
2. Revenue Divisional Officer,
Revenue Divisional Office,
Udayarpalayam,
Ariyalur District.

S. VAIDYANATHAN,J.

AND



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nv

3. The Thasildhar,
Thasildhar Office,
Udayarpalayam,
Ariyalur District.
4. The Block Development Officer,
T. Pazhur, Udayarpalayam.

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