



W.P.No.5415 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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D.Shankar

.. Petitioner

Vs

- 1.The Revenue Divisional Officer,
Ponneri Taluk,
Tiruvallur District.
- 2.The Tahsildar,
Ponneri Taluk,
Tiruvallur District.
- 3.The Block Development Officer,
Minjur Panchayat Union,
Minjur, Tiruvallur District.
- 4.The President,
Kamarpalayam Grama Panchayat,
Aladu-II, Ponneri Taluk,
Tiruvallur District.
- 5.Anandhan
- 6.Bakthavasalam

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 4 to forthwith remove the encroachment made by the 5th and 6th respondents in the public pathway by demolishing the illegal constructions made in Survey No.491/4, Kolathur Village, Ponneri Taluk, Tiruvallur District by considering the representation of the petitioner dated 13.08.2020, 15.9.2021.

For the Petitioner : Mr.S.Malar Mannan

For the Respondents : Mr.A.Selvendran
Spl. Government Pleader
for respondents 1 to 4

ORDER

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

D.Sankar, son of late Devaraj, a resident of Ponneri Taluk, Tiruvallur District, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 4 to forthwith remove the encroachment made by respondents 5 and 6 in the public pathway, by demolishing the illegal constructions made in Survey No.491/4, Kolathur Village, Ponneri Taluk, Tiruvallur District, by considering the representations of the petitioner dated 13.08.2020 and 15.9.2021.



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2. Mr.S.Malar Mannan, learned counsel appearing for the petitioner, would submit that the land in question is classified as "street" in the revenue records and several villagers use the said land to access their properties. As respondents 5 and 6 have illegally blocked the pathway by erecting a superstructure and compound wall, the petitioner sent representations to the respondent authorities on 13.8.2020 and 15.9.2021 seeking removal of the encroachment. Since the said representations did not evoke any response, the petitioner has been advised to file this writ petition.

3. Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of respondents 1 to 4, would submit that, if four weeks' time is granted, the respondent authorities will conduct a survey of the land in question and thereafter remove the encroachments, if any, after giving notice to the encroachers.

4. Recording the submission made by learned Special Government Pleader, the writ petition is disposed of with a direction



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to respondent authorities 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 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.)
24.02.2023

Index : No
Neutral Citation : No
sasi



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

(sasi)

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