



WEB COPY



W.P.No.5991 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.5991 of 2020

and

W.M.P.No.7032 of 2020

A.Anandan

... Petitioner

Vs.

- 1.The District Collector,
Kancheepuram District,
Collectorate, Kancheepuram,
Pin – 631 501.
- 2.The Assistant Executive Engineer,
Office of the PWD Chief Engineer,
PWD Building, Kancheepuram,
Kancheepuram District – 631 501.
- 3.The Junior Engineer,
PWD, Irrigation Section, WRD,
Padappai, Kancheepuram District – 601 301.
- 4.The Tahsildar of Kundrathur,
Office of the Tahsildar,
Kundrathur, Kancheepuram District.
- 5.The Executive Officer,
The Kundrathur Town Panchayat,



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1, Latchatram, Kundrathur,
Pin – 600 069.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 2 to 4 or their men, officers, subordinates or agents from any manner into the land possessed by the petitioner measuring 3300 square feet comprised in Survey Number 313/2A2B forming part of S.No.313/2B2 of Aadhanur Village, Sriperumbudur Taluk, within the limits of Kundrathur Town Panchayat, Kancheepuram District, under the guise of de-silting or cleaning up of the 'odaiporomboke' land of Mannivakkam Village Periphery situate on the eastern boundary of the petitioner's property.

For Petitioner : Mr.A.Thayaparan
For Respondents : Mr.V.Mahonaran
Additional Government Pleader
[R1 to R4]
Mr.D.Suryanarayanan [R5]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to forbear the respondents 2 to 4 or their men, officers, subordinates or agents from any manner into the land possessed by the petitioner measuring 3300 sq.ft. comprised in Survey No.313/2A2B forming part of S.No.313/2B2 of Aadhanur Village, Sriperumbudur Taluk, within the limits



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of Kundrathur Town Panchayat, Kancheepuram District, under the guise of de-silting or cleaning up of the 'odaiporomboke' land of Mannivakkam Village Periphery situated on the eastern boundary of the petitioner's property.

2. The case of the petitioner is that, he is the owner of the land in Survey No.313/2B2 to an extent of 3300 sq.ft. Subsequently, it was sub-divided as Survey No.313/2A2B at Aadhanur Village, Sriperumbudur Taluk, within the limits of Kundrathur Town Panchayat vide sale deed dated 19.04.2004 registered as Document No.2205 of 2004 at SRO, Guduvanchery. Ever since from the date of purchase, the petitioner was in possession and enjoyment of the property. While so, under the guise of expanding odai, the respondents tried to encroach the petitioner's land. Therefore, the petitioner made several representations before the respondents seeking to identify and confirm that the marking of the boundary line of the 'odaiporomboke' land into his property. Since the same was not considered, the petitioner filed the above Writ Petition before this Court.



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3. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the fourth respondent to survey the petitioner's property and pass appropriate orders to remove the encroachment made by the Government, within a time frame that may be stipulated by this Court.

4. On the above contention, heard the learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent and perused the materials available on record.

5. In view of the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the fourth respondent to survey the petitioner's property as per the title deed owned by him and the records possessed by the Revenue Department and if any encroachment is made by the Government, the same may be removed or appropriate compensation shall be paid to the petitioner for the encroachment made by the Government, within a period of six (6) weeks from the date of receipt of a copy of this order.



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6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

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sp

5.The Executive Officer,
The Kundrathur Town Panchayat,
1, Latchatram, Kundrathur,
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