



W.P.No.9704 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9704 of 2023

1.Jayalakshmi
2.T.Sathish

.. Petitioners

Vs

1.The Director,
Government of India,
National Commission for Scheduled Castes,
Shastri Bhavan, Block V, II Floor,
No.26, Haddows Road,
Nungambakkam, Chennai-600 006.

2.The District Collector,
Kanchipuram,
Kanchipuram District.

3.The Commissioner of Police,
8/1, HVP Estate,
Bhaktavalapuram,
Avadi, Chennai – 600 054.

4.The Tahsildar,
Kundrathur Taluk Office,
Chennai.



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5.The Inspector of Police,
T-14, Mangadu Police Station (L&O),
Chennai.

6.Kandan

7.Anbumani

.. Respondents

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 remove the encroachment made in Survey No.344 and 347/1 and without affecting the Tasmac shop building measuring 462 sq. ft. situate in Survey No.346/10.

For the Petitioners : Mr.U.Karunakaran

For the Respondents : Dr.D.Simon
CGSC
for respondent No.1

: Mr. P.Muthukumar
State Government Pleader
for respondents 2 to 5

ORDER

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

W.M.P.No.9767 of 2023 filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate sets of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the



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order passed in the writ petition shall be applicable only to the first petitioner.

2. The petitioners have filed this writ petition for issuance of a writ of mandamus directing respondents 1 to 4 to remove the encroachments made in Survey No.344 and 347/1 without affecting the Tasmac shop building measuring 462 sq. ft. situate in Survey No.346/10.

3. Learned counsel for the petitioners submitted that in the earlier writ petition, being W.P.No.35085 of 2022, filed by the seventh respondent Anbumani for issuance of a writ of mandamus directing respondents 2 and 3 therein to implement the order dated 2.12.2022 of the first respondent and to remove the encroachments made on the Vaaikkal, a wrong information has been given that the Tasmac shop is situated in Survey No.344 instead of Survey No.346/10. He would submit that while disposing of W.P.No.35084 of 2022 dated 12.1.2023, this Court in paragraph 4 mentioned that the Tasmac shop 4162 is located in the land covered in Survey



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No.344 which is incorrect and the Tasmac shop is located in Survey No.346/10 which is a patta land belonging to the first petitioner. Therefore, without affecting the Tasmac shop building measuring 462 sq. ft. situate in Survey No.346/10, the respondent authorities may be directed to remove the encroachments made in Survey Nos.344 and 347/1.

4. Learned State Government Pleader appearing for respondents 2 to 5 submitted that a proper survey will be undertaken to find out whether the Tasmac shop 4162 is situated in the land covered in Survey No.346/10 or in the land covered in Survey No.344. He would submit that if any encroachment is found in any of the aforesaid Survey Nos.344, 347/1 or 346/10, the same would be removed.

5. Recording the statement made by learned State Government Pleader, the writ petition is disposed of by directing the respondent authorities to conduct a survey of the land in question and, if any encroachment is found, the same shall be removed in



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accordance with law. The said exercise shall 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.)
06.04.2023

Index : No
Neutral Citation : No
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To:

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

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