



W.P.No.8681 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8681 of 2023

P.Mahendran

.. Petitioner

Vs

1.The District Collector,
Dharmapuri.

2.The District Revenue Officer,
Collectorate Campus,
Dharmapuri.

3.The Sub-Collector,
Sub-Collector Office,
Harur, Dharmapuri District.

4.The Tahsildar,
Harur Taluk,
Dharmapuri District.

5.Balu

6.Kumaran

7.Chinnakannu

.. 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 remove encroachments and the obstruction caused by the respondents 5 to 7 created in Survey No.12/1C, 13/1A and 17/13A4 found to a total extent of 0.51.00 hectares of the Elavadai Village, Harur Taluk, Dharmapuri District being a 'Nilaviyal Oni' or Nilaviyal cart track.

For the Petitioner : Mr.P.Paramasivadoss

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 54

ORDER

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

P.Mahendran, son of Ponnusamy, a resident of Elavadai Village, Harur Taluk, Dharmapuri District, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 4 to remove the encroachments made by respondents 5 to 7 in Survey Nos.12/1C, 13/1A and 17/13A4 measuring an extent of 0.51.00 hectares situated at Elavadai Village, Harur Taluk, Dharmapuri District.



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2. Learned counsel appearing for the petitioner submitted that as per revenue records the lands in Survey Nos.12/1C, 13/1A and 17/13A4 measuring an extent of 0.17.00, 0.12.00 and 0.22.00 respectively situate at Elavadai Village, Harur Taluk, are classified as 'Nilaviyal Oni' or 'Nilaviyal Pathai' and the same has been encroached by respondents 5 to 7. Due to such encroachments, the petitioner and other villagers are forced to seek an alternate route through the agricultural lands to reach their destinations on the north and south sides of the village. In this regard, the petitioner submitted a representation dated 08.08.2022 to the respondent authorities. Despite the receipt of the said representation, no action was taken by the respondent authorities. Hence, the petitioner has been advised to file this writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents, submitted that, if four weeks' time is granted to the respondent authorities, they will consider the representation of the petitioner and take appropriate action.



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4. Recording the submission made by learned State Government Pleader, the writ petition is disposed of with a direction to the respondent authorities to consider the representation of the petitioner dated 08.08.2022 and pass orders in accordance with law. It is made clear that, if any encroachment is found, the same shall be removed in accordance with law after conducting a survey of the land in question with the assistance of the jurisdictional Surveyor. 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.)
21.03.2023

Index : Yes/No
Neutral Citation : Yes/No
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