



W.P.No.8637 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8637 of 2023

R.Manoharan

...Petitioner

Vs

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2.District Registrar Office,
Tiruvannamalai,
Tiruvannamalai District.

3.Revenue District Office,
Kalasapakkam.

4.Tahsildar,
Kalasapakkam.

5.The Zonal Engineer,
Highways Department,
Polur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to assign



W.P.No.8637 of 2023

the land admeasuring 7 ares comprised in S.No.92, at Perayampattu Village, Kalasapakkam Taluk, Tiruvannamalai District, after receiving the market value for the property and grant patta by considering the representation dated 27.02.2023.

For Petitioner : Mr.R.Rajarajan

For R1 to R4 : Mr.Murugan Raja,
Government Advocate

ORDER

Heard Mr.R.Rajarajan, learned counsel for the petitioner and Mr.Murugan Raja, learned Government Advocate for the respondents 1 to 4.

2. In view of the order to be passed in this Writ Petition, notice to the fifth respondent is hereby dispensed with.

3. Admittedly, the petitioner herein is in illegal occupation of the property in Survey No.92, measuring about 7 ares. The limited prayer sought for in the present Writ Petition is for a direction to the respondents to consider his representation, seeking for conveyance of the



W.P.No.8637 of 2023

land in his favour, in view of his physical possession of the land over a period of time.

4. The learned Government Advocate, on written instructions, submitted that the subject land in Survey No.92 stands in the name of the Highways Department and that the Tahsildar has also taken steps to survey the extent of encroachment and for removal of the encroachment. He further submitted that the petitioner has also been served with a notice in this regard.

5. When the petitioner himself does not dispute his possession over the Highways land, the respondents would be at liberty to take steps for removal of encroachment.

6. The learned counsel for the petitioner submitted that the petitioner is in physical possession of the land for about 30 years and that they have also constructed a house in the subject property and under Revenue Board Standing Order 15, there are powers vested with the official respondents to convey the land on receipt of the sale



W.P.No.8637 of 2023

WEB COPY

consideration. He also submitted that he has made a representation in this regard on 27.02.2023, which is pending consideration of the first respondent herein.

7. This Court is of the view that the first respondent may be directed to consider the petitioner's representation on its own merits. However, such consideration will not be an embargo for the respondent to proceed with the removal of encroachment.

8. In this background, the Writ Petition stands closed with a direction to the first respondent herein to consider the petitioner's representation dated 27.02.2023, on its own merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

20.03.2023

Index: Yes/No
Speaking order/Non-speaking order
hvk



W.P.No.8637 of 2023

WEB COPY

To

- 1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.
- 2.The District Registrar Office,
Tiruvannamalai,
Tiruvannamalai District.
- 3.The Revenue District Office,
Kalasapakkam.
- 4.The Tahsildar,
Kalasapakkam.
- 5.The Zonal Engineer,
Highways Department,
Polur.



WEB COPY



W.P.No.8637 of 2023

M.S.RAMESH,J.

hvk

W.P.No.8637 of 2023

20.03.2023