



WEB COPY



W.P.No.10386 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10386 of 2023

Rayyan Educational Trust,
rep. by its Managing Trustee YasirNainar,
64B, Knowledge Village,
Thaiyur, Thiruporur Taluk,
Chengalpattu District-603 103.

.. Petitioner

Vs

1.The District Collector,
Chengalpattu District,
Collectorate, GST Road,
Chengalpattu – 603 001.

2.The Tahsildar,
Thiruporur Taluk,
Taluk Office, Thiruporur,
Chengalpattu District – 603 105.

3.Arulmigu Sree Senthavalliamman Thirukkivil,
Thaiyur, Thiruporur Taluk,
Chengalpattu District – 603 103.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1



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and 2 to remove the illegal encroachments made by the third respondent in Survey Field No.498, Thaiyur Village, Thiruporur Taluk, Chengalpattu District in accordance with law.

For the Petitioner : Mr.Balaji Thirumoorthy

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 and 2

: Mr.N.R.R.Arun Natarajan
Spl. G.P. (HR & CE)
for respondent No.3

ORDER

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

Rayyan Educational Trust, represented by its Managing Trustee Yasir Nainar, Thaiyur, Thiruporur Taluk, has filed this writ petition for issuance of a writ of mandamus directing respondents 1 and 2 to remove the illegal encroachments made by the third respondent in Survey Field No.498 situated at Thaiyur Village, Thiruporur Taluk, Chengalpattu District.



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2. Mr.Balaji Thirumoorthy, learned counsel appearing for the petitioner, submitted that a public pathway in Survey Field No.498 has been unlawfully encroached by the third respondent, who has put up fencing and thereby blocked the usage of the said pathway by the villagers. To show that Survey Field No.498 is public pathway, the learned counsel has drawn our attention to the RTI reply dated 3.3.2022 given by the Public Information Officer/Headquarters Deputy Tahsildar, Thiruporur, to the effect that the land covered in Survey Field No.498 has been classified as "Vandi Pathai poramboke". Ventilating his grievance, the petitioner has submitted a representation dated 27.12.2022 to respondents 1 and 2 requesting them to take action and remove the encroachment. Despite receipt of the said representation, no action was taken till date. Hence, the petitioner has been advised to come to this Court.

3. At this juncture, Mr.P.Muthukumar, learned State Government Pleader appearing for respondents 1 and 2, submitted that if four weeks' time is granted to the respondent authorities,



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they will conduct survey of the land in question and, if any encroachment is found, the same will be removed.

4. Recording the submission made by learned State Government Pleader, the writ petition is disposed of with a direction 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 to have been made by the third respondent, the same shall be removed after issuing notice to the encroacher. 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.)
03.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

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THE HON'BLE ACTING CHIEF JUSTICE
AND
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