



WEB COPY



W.P. No. 12747 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MRS. JUSTICE R. KALAIMATHI

W.P. No. 12747 of 2023

Athimoolam

..Petitioner

Vs.

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Revenue Tahsildar,
Veppur Taluk, Cuddalore District.
3. Block Development Officer,
Mangalore Union,
Cuddalore District.
4. Subramaniyan
5. Duraimurugan
6. Pattu

..Respondents



W.P. No. 12747 of 2023

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 to 3 to remove the unauthorised encroachment of the street, bearing Survey No. 649, Natham Sarkar Porambokku Land for an extent of 01038 square meter situated at Orangure Village, Veppur Taluk, Cuddalore District, by considering the representation of the petitioner dated 06.03.2023 on the file of first respondent.

For Petitioner :: Mr.A.Dhanabalakrishnan

For Respondents :: Mr.P. Muthukumar,
State Government Pleader
for R1 to R3

O R D E R

S. VAIDYANATHAN,J.

AND

R. KALAIMATHI,J.

The writ petition is filed for issue of a Writ of Mandamus directing respondents 1 to 3 to remove the unauthorised encroachment of the street, bearing Survey No. 649, Natham Sarkar Porambokku Land to an extent of 01038 square meter situated at Orangure Village, Veppur Taluk, Cuddalore District, by considering the representation of the petitioner dated 06.03.2023



W.P. No. 12747 of 2023

on the file of first respondent.

WEB COPY

2. The grievance of the petitioner is that though the people of his village have been using the land (Sarkar Porambokku land) bearing Survey No. 649 to an extent of 01038 sq.m as street and '*vandipathai*' for the past so many years, of late, respondents 4 to 6 have encroached upon the said land by constructing a compound wall to the hindrance of the general public. Though the petitioner made a representation to the 1st respondent to remove the encroachment made by respondents 4 to 6, no action has been taken. Hence, the present writ petition.

3. Notice to respondents 4 to 6 is dispensed with as no prejudice is going to be caused to them by the order to be passed in the writ petition.

4. Though the petitioner alleges that the land in question is a Sarkar Porambokku land and it is in use as a street and cart-track, from the A-Register, which has been produced by the petitioner himself, it is seen

S. VAIDYANATHAN,J.



WEB COPY



W.P. No. 12747 of 2023

AND

R. KALAIMATHI,J.

nv

that the said land is shown as '*Gaali Natham*'. When there is ambiguity with regard to the nature of the land in question, i.e, whether the land in question is a 'Sarkar Porambokku land' or '*Gaali Natham*' , the same cannot be gone into in this writ petition as it is a disputed question of fact.

5. Hence, the writ petition stands dismissed. No costs.

(S.V.N.J.) (R.K.M.J.)
25.04.2023

nv
To

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Revenue Tahsildar,
Veppur Taluk, Cuddalore District.
3. Block Development Officer,
Mangalore Union,
Cuddalore District.

W.P. No. 12747 of 2023