



WEB COPY



WP No.12485 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.12485 of 2023

Sathishkumar

...

Petitioner

versus

1.The District Collector,
Dharmapuri District.

2.The Revenue Divisional Officer,
Harur, Dharmapuri District

3.The Tahsildar,
Harur, Dharmapuri District

4.Suresh

5.Santhosh

6.Appusamy

...

Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing respondents 1 to 3 to evict the encroachment as found in Survey Nos.11/6 to the extent of 0.24.5 hectares of the Kurumpatti Village, Harur Taluk, Dharmapuri District, being a cart track.

Appearances :

Mr.J.Pradeep, for the petitioner

Ms.R.Anitha, Special Government Pleader, for respondents 1 to 3.



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ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has come up with this Writ Petition seeking a writ of mandamus directing respondents 1 to 3 to evict the encroachments found in Survey Nos.11/6, to an extent of 0.24.5 hectares, at Kurumpatti Village, Harur Taluk, Dharmapuri District.

2. According to the petitioner, he is doing agricultural work and that the cart track situate in S.No.11/6, Kurumpatti Village, Dharmapuri District, connects the main road, and it is the only pathway for the villagers to have ingress and egress for the village. The said pathway is classified as 'Nilaviyal Padhai'. It is the contention of the petitioner that respondents 4 to 6 have encroached into the said 'Nilaviyal Padhai'. Because of this encroachment, the villagers are constrained to travel long distance to reach the other side of the village.

3. In this regard, the petitioner made a representation to respondents 1 to 3 to remove the encroachments. Based on the representation, the third respondent issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, (for short, 'the Act of 1905') to respondents 4 to 6, to remove the encroachment. However, respondents have not taken any further steps. Hence, the present Writ Petition has been filed.



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4. When the matter was taken up for hearing, learned counsel for the petitioner produced “A” Register to show that the land in S.No.11/6 has been classified as Nilaviyal Padhai.

5. Ms.R.Anitha, learned Special Government Pleader, also concurs with the fact that the land in S.No.11/6 has been classified as Nilaviyal Padhai, and submitted that action would be taken consequent to the issuance of notice under Section 7 of the Act of 1905, within a period of four weeks.

6. Recording the said submission of the learned Special Government Pleader, the writ petition is disposed of directing the official respondents to take action pursuant to the issuance of notice under Section 7 of the Act of 1905, to respondents 4 to 6, 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.)
24.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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To
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and
D.BHARATHA CHAKRAVARTHY, J.

(tar)

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