



W.P.No.13298 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.13298 of 2023

K.Bakthavachalam

.. Petitioner

Vs

- 1.The State of Tamilnadu,
rep. by its Principal Secretary to Government,
Rural Development and
Panchayat Raj Department,
Fort St. George, Chennai-600 009.
- 2.The State of Tamilnadu,
rep. by its Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George, Chennai-600 009.
- 3.The District Collector,
Collectorate, Master Plan Complex,
Tiruvallur District-602 001.
- 4.The Tahsildar,
Uthukottai Taluk Office,
Tiruvallur District-602 026.



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5.The Block Development Officer (Panchayat),
Ellapuram, Uthukottai Taluk,
Tiruvallur District – 601 102.

6.S.Ramuthay

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 3rd to 5th respondents to remove the encroachment of the 6th respondent on the public road comprised in New S.No.79/8 situated at Boochiathipattu Village, Uthukottai Taluk, Tiruvallur District-600 052.

For the Petitioner : Ms.M.V.Kalai Chithram

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondents 1 to 4

: Mr.P.Muthukumar
State Government Pleader
for respondent No.5

ORDER

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

Heard Ms.M.V.Kalai Chithram, learned counsel for the petitioner;
Mr.J.Ravindran, learned Additional Advocate General, assisted by
Mr.A.Selvendran, learned Special Government Pleader for respondents



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1 to 4; and Mr.P.Muthukumar, learned State Government Pleader for the fifth respondent.

2. The petitioner seeks a direction against respondents 3 to 5 to remove the encroachment made by the sixth respondent on the public road in new S.No.79/8 situated at Boochiathipattu Village, Uthukottai Taluk.

3. According to learned counsel for the petitioner, though a civil suit between the petitioner and the sixth respondent is pending, the same is in respect of S.No.79/9 and is not concerning new S.No.79/8. Learned counsel for the petitioner submitted that the sixth respondent has encroached on the public road in new S.No.79/8.

4. In the present writ petition, we do not have any documents evidencing encroachment. Unless there is a document showing encroachment on the public road, no orders can be passed herein. As the civil suit is pending between the petitioner and the sixth respondent, it is for the petitioner to raise all defences available to him in the pending civil suit.



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5. If the documents are available evidencing the encroachment on the public road, then the petitioner may approach the appropriate authority in that regard.

6. It is made clear that we have not given any finding as to the encroachment on the public road or otherwise.

7. The writ petition is disposed of accordingly. There will be no order as to costs.

(S.V.G., CJ.) (P.D.A., J.)
01.06.2023

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

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Rural Development and Panchayat Raj Department,
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

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