



W.A.No.927 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM :

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

AND

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

W.A.No.927 of 2023

Ellammal

.. Appellant

Vs

- 1.The District Collector of Villupuram,
Collectorate, Villupuram.
 - 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Villupuram, Villupuram District.
 - 3.The Revenue Tahsildar,
Taluk Office,
Vanur Taluk,
Villupuram District.
 - 4.The Block Development Officer,
Kazhuperumbakkam Panchayat Board,
Vanur Taluk,
Villupuram District.
 - 5.The President,
Kazhuperumbakkam Panchayat Union,
Vanur Taluk, Villupuram District.
- Respondents

..



W.A.No.927 of 2023

Prayer: Appeal under Clause 15 of the Letters Patent against the order passed by the learned Single Judge in W.P.No.9882 of 2023 dated 30.03.2023.

For the Appellant : Mr.T.Dhanasekaran

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.T.Dhanasekaran, learned counsel for the appellant and Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. The appellant has filed the writ petition before the learned Single Judge seeking direction against the fourth respondent not to construct any building on the writ site. The writ petition is dismissed by the learned Single Judge. Aggrieved thereby, the present appeal has been filed.

3. Learned counsel for the appellant submits that the appellant



W.A.No.927 of 2023

is occupying the subject-property. A settlement deed had been executed in favour of the appellant. The land is natham land meant for residential purpose and it is not a Government land and even the respondents have admitted the same.

4. According to learned Special Government Pleader, the land in question is a Government poramboke vacant land. Learned Special Government Pleader submits that a portion of the encroachment made by the appellant was vacated by herself voluntarily and the construction is made only on the said portion.

5. We would not be deciding the nature of the land. Moreover, the respondents even in their counter-affidavit have admitted that the appellant is in possession of 00089 sq. m. area in Survey No.208/24 and 00056 sq. m. in Survey No.208/16 of Chinnakozhuvari Madura Kazhuperumpakkam, Vanur Taluk.

6. In case the respondent authorities want to evict the appellant, then they will have to follow the procedure under the



W.A.No.927 of 2023

Tamil Nadu Land Encroachment Act, 1905 by issuing appropriate notice. The appellant will have an opportunity to file a reply to the notice, which reply would be considered by the respondent authorities before passing further orders.

7. With these observations, the writ petition stands disposed of. There will be no order as to costs. Consequently, C.M.P.No.9259 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

13.09.2023

Index : Yes/No
Neutral Citation : Yes/No
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W.A.No.927 of 2023

To

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W.A.No.927 of 2023

THE HON'BLE CHIEF JUSTICE
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