



WEB COPY



W.P. No.15670 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

and

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.15670 of 2019

Sengareddy

Petitioner

v

- 1 The District Collector
Sathuvachary
Vellore District
Vellore – 9
- 2 The Revenue Divisional Officer
Sathuvachari
Collector Office
Vellore – 9
- 3 The Tahsildar
Katpadi & Taluk
Vellore District
- 4 The Block Development Officer
Sholinghur
Walaja Taluk
Vellore District
- 5 L. Bujji

Respondents

Writ Petition preferred under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in the Government poramboke public canal used as a public road comprised in S.No.1111/1, Ponnai Village, Katpadi Taluk, within a stipulated time.



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For petitioner	Mr. T.P. Prabakaran
For RR 1 to 4	Mr. A. Selvendran Special Government Pleader
For R5	Mr. T.M. Hariharan

ORDER

(made by S. VAIDYANATHAN, J.)

According to the petitioner, he is the owner of 1/5 share of the land in S.Nos.428/12 and 428/8 and the well in S.No.428/11 in Ponnai Village, Katpadi Taluk, Vellore District; in the east of the property in S.No.428 and Old Village Survey Field No.317, which is New Natham S.No.1111/11, earlier, there was a canal poramboke which vested with the Government and which is now used by farmers, including the petitioner, as a public street, to have access to the main road; even now, in the village “A” register, the said land is described as a canal; in the said public road, the fifth respondent, who is the petitioner's neighbour, has put up construction; though the petitioner arranged for measuring the property and fixing the boundary of the canal in S.No.1111/11, the fifth respondent refused to cooperate with the Government officials; hence, seeking to remove the encroachment made by the fifth respondent in S.No.1111/11, the petitioner addressed a representation dated 05.03.2019 to the official respondents, but, to no avail; hence, this writ petition seeking removal of the encroachment made by the petitioner.



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Heard the learned counsel for the parties and perused the materials available on record.

3 Having regard to the facts and circumstances of the case, this Court directs the official respondents to conduct a detailed enquiry with all the parties concerned, including the ones who are likely to be affected in the event of removal of alleged encroachment, by verifying all the revenue records like Village “A” register, field map, *etc.* and take a decision with regard to the petitioner's grievance, within a period of three months from the date of receipt of a copy of this order. Needless to state that the petitioner and the fifth respondent shall be afforded an opportunity of hearing before any decision is taken in the matter.

This writ petition stands disposed of with the above direction and observation. Costs made easy.

(S.V.N., J.) (K.R.S., J.)
14.12.2023

cad



W.P. No.15670 of 2019

S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

cad

To

- 1 The District Collector
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Vellore District
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