



WP No.13817 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.13817 of 2023
and WMP.Nos.13481 to 13483 of 2023

Maruthakasi

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Revenue (A1) Department, Fort St. George,
Chennai 600 009.
2. The District Collector,
Ariyalur District, Ariyalur.
3. The Revenue Divisional Officer,
Udayarpalayam Revenue Division,
Udayarpalayam, Ariyalur District.
4. The Tahsildar,
Udayarpalayam Taluk,
Udayarpalayam, Ariyalur District.
5. The Commissioner/Block Development Officer,
Village Panchayat, Jayamkondam Panchayat
Union, Ariyalur District.



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6. The Panchayat President,
Vanathirayanpattinam Village
Panchayat, Jayamkondam Panchayat
Union, Ariyalur District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 06.04.2023 in Na.Ka.No.1512/2021/A1 issued by the 3rd respondent and its consequential notice issued by the 6th respondent dated 10.04.2023 and quash the same and consequently forbear the respondents and their subordinates from interfering with the peaceful possession and enjoyment of the petitioner and his residential house in S.No.260/9 to an extent of 13950 sq.ft., situated at Vanathirayanpattinam Village, Udayarpalayam Taluk, Ariyalur District.

For the Petitioner : Mr.K.Balu

For the Respondents : Mr.P.Muthukumar,
State Government Pleader

* * * * *

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed against the impugned order of the third respondent dated 06.04.2023 and the consequential notice dated 10.04.2023 issued by the sixth respondent and to quash the same and to forbear the respondents from interfering with the



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peaceful possession and enjoyment of the petitioner in respect of the property in S.No.260/9 to an extent of 0.02.50 situated at Vanathirayanpattinam, Udayarpalayam Taluk, Ariyalur District.

2. Mr.K.Balu, learned counsel appearing for the petitioner, would submit that the land covered in S.No.260/9 absolutely belongs to the petitioner since its purchase by his family members in the year 1972 under a registered sale deed executed in the year 1978. Even the 'A' Register also clearly shows that the land covered in S.No.260/9 is classified as Natham land and one part in the said survey number as 'Kuttai' (water body) and this has not been brought to the notice of this Court when the writ petition in W.P.No.7258 of 2023, filed by one Kumar in respect of the same survey number seeking removal of illegal encroachments, was disposed of by order dated 10.03.2023 directing removal of encroachments in accordance with law. In the said writ petition, the petitioner, Maruthakasi, is not a party and therefore, the said order cannot be made applicable to the petitioner herein and hence, it is pleaded that this writ petition deserves to be allowed.



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3. Mr.P.Muthukumar, learned State Government Pleader appearing for the respondents, on the other hand, would submit that the impugned notice issued to the petitioner is only in pursuant to the order dated 10.03.2023 passed by this Court in W.P.No.7258 of 2023 directing the respondent authorities to conduct a survey of the lands with the assistance of the jurisdictional surveyor and if any encroachment is found, to remove the same after notice to the encroachers. The land covered in the present writ petition was the subject matter in the aforesaid writ petition filed by one Kumar seeking removal of illegal encroachments. Even the 'A' Register, as shown by the petitioner before this Court, also clearly says that the land covered in S.No.260/9 is classified as 'Kuttai' (water body) and therefore, the impugned notice issued pursuant to the order of this Court for removal of encroachments is perfectly in order.

4. We also find merit in the submission of the learned State Government Pleader. Even, as per the 'A' Register, the land in S.No.260/9 is classified as 'Kuttai' and hence, the respondent authorities are justified in taking action for removal of encroachments,



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if found illegal as per law. Even though the petitioner was not a party to the writ petition filed by one Kumar, this Court has clearly given a direction to the respondent authorities to remove the encroachments in S.No.260/9, after conducting a survey with the assistance of the jurisdictional surveyor. Therefore, we do not find any merit in the contention of the learned counsel for the petitioner.

Accordingly, the writ petition fails and the same is dismissed. There will be no order as to costs. Consequently, WMP Nos.13481 to 13483 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
27.04.2023

Index : Yes/No
Neutral Citation : Yes/No
sra

To

1. The State of Tamil Nadu,
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2. The District Collector,
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T.RAJA, ACJ.
and
D.BHARATHA CHAKRAVARTHY, J.

(sra)

3. The Revenue Divisional Officer,
Udayarpalayam Revenue Division,
Udayarpalayam, Ariyalur District.
4. The Tahsildar,
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