



W.P.No.15638 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM :

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

AND

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

W.P.No.15638 of 2023

T.A.R.Saravanan

.. Petitioner

Vs

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Tahsildar,
Taluk Office,
Ponneri Taluk,
Thiruvallur District.

3.Sampath

4.Hussain

5.Narasimman

6.George

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 and 2 to remove the encroachments (buildings) made by the



W.P.No.15638 of 2023

respondents 3 to 6 in public pathway situated in S.Nos.121/1 and 122/2, Peravallur Village, Ponneri Tauk and Thiruvallur District.

For the Petitioner : Mr.A.Sathiya Prakash

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader
for respondents 1 and 2

: Mr.R.Abdul Mubeen
for respondents 4 and 6

: Mr.V.S.Sivasundaram
for respondent No.5

: R3 – died

ORDER

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

We have heard Mr.A.Sathiya Prakash, learned counsel for the petitioner; Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1 and 2; Mr.R.Abdul Mubeen, learned counsel for respondents 4 and 6 and, Mr.V.S.Sivasundaram, learned counsel for the fifth respondent.



W.P.No.15638 of 2023

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2. Learned State Government Pleader submits that as far as the land in Survey No.121/1 is concerned, patta has been issued to the private persons. The land in Survey No.122/2 is a pathway. Notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short, "*the Act of 1905*") was issued to the encroachers. Notice under Section 6 of the Act of 1905 was also already served upon the concerned persons/encroachers.

3. If the order under Section 6 of the Act of 1905 has been served on the encroachers, the encroachers have a remedy under Section 10 of the Act of 1905.

4. In view of the statement made by learned State Government Pleader, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

18.07.2023

Index : Yes/No
Neutral Citation : Yes/No
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W.P.No.15638 of 2023

To

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Thiruvallur District,
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Thiruvallur District.



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W.P.No.15638 of 2023

THE HON'BLE CHIEF JUSTICE
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W.P.No.15638 of 2023

18.07.2023