



WP No.20442 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM :

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

AND

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

WP No.20442 of 2023
and WMP Nos.19830 and 19832 of 2023

M.Varadharasu

.. Petitioner

-VS-

1. The District Collector,
O/o.The District Collector,
Namakkal.
2. The Tahsildar,
Namakkal Taluk Office,
Mohanur Road, Namakkal Town Post,
Namakkal Taluk & District.
3. The Block Development Officer,
O/o.The Block Development Officer,
Nammakal Panchayat Union,
Mohanur road, Namakkal Town Post,
Namakkal Taluk & District.
4. The Revenue Inspector,
Vadachittur, Coimbatore.
5. The Village Administrative Officer,
Thaligai Village & Post,
Namakkal Taluk & District.



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6. The Thaligai Village Panchayat Board,
Rep. by its President,
Thaligai Post, Namakkal Taluk & District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to act upon petitioner's representation dated 01.03.2023 and accordingly remove the encroachment in petitioner's land situated in S.F.No.81/2, in Thaligai Village, Namakkal Taluk & District by the respondents herein and accordingly restore petitioner's land to its original status.

For the Petitioner : Mr.I.Abrar Md.Abdullah

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader,
for RR 1 to 5

* * * * *

ORDER

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

We have heard Mr.I.Abrar Md.Abdullah, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, for respondents 1 to 5.

2. The learned counsel for the petitioner submits that respondent No.6 has encroached upon the private property of the petitioner. The



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petitioner is the purchaser of the property under a registered sale deed of S.No.81/2 in Thaligai Village to an extent of 0.84 hectares.

2. The learned State Government Pleader, on written instructions, submits that in the said S.No.81/2, 0.10 hectare land was donated by the predecessor in title of the petitioner in the name of Namakkal Block Development Officer under a registered gift deed and construction is made by the said authority of a fair price shop and an office of Village Administrative Officer on the same land donated to it. According to the respondents, there is no encroachment as contended by the petitioner.

3. It appears that there is a dispute with regard to the boundaries. No measurement has taken place. It is for the petitioner to get the measurement done and in case, the petitioner avers that the encroachment has been made by the respondents, then the petitioner ought to approach the civil court for appropriate reliefs. If the petitioner files a civil suit, in that event, all the contentions are kept open.



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4. The learned counsel for the petitioner submits that the representation made by the petitioner be considered. The respondents have already filed the status report explaining that no encroachment has taken place. That itself would be the decision to the representation of the petitioner.

The writ petition is, accordingly, disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : yes/no

Neutral Citation : Yes/No

sra

To:

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2. The Tahsildar,
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Namakkal Taluk & District.



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3. The Block Development Officer,
O/o.The Block Development Officer,
Nammakal Panchayat Union,
Mohanur road, Namakkal Town Post,
Namakkal Taluk & District.
4. The Revenue Inspector,
Vadachittur, Coimbatore.
5. The Village Administrative Officer,
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P.D.AUDIKESAVALU, J.

(sra)

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