



WP No.24812 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM :

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

AND

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

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Subramaniyan

.. Petitioner

versus

- 1.The District Collector,
Ariyalur District
- 2.The Commissioner,
H.R. & C.E. No.119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam, Chennai 34
- 3.The Superintendent of Police,
Ariyalur District
- 4.The District Revenue Officer,
Ariyalur District.
- 5.The Revenue Divisional Officer,
Ariyalur District
- 6.The Tahsildar,
Andhimadam Taluk,
Ariyalur District.
- 7.The Sub-Registrar,
Andhimadam Taluk,
Ariyalur District.



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- 8.Chinnappan
 - 9.Xavier
 - 10.Santhanasam
 - 11.Victor Raj
 - 12.Alexander
 - 13.Mariya Dhanaraj
 - 14.Mundhiri Kottai Nattar @ Chinnappam
 - 15.John Kennedy
 - 16.S.Arokiyasamy
 - 17.B.Vanathiyan
 - 18.N.Ronikkamal
 - 19.B.Yesuraj
 - 20.C.Krishnameri
 - 21.C.Arokiyadoss
 - 22.Chinnappan
 - 23.C.Adaikkalaraj
- .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 7 to take necessary action on the public representation dated 07.01.2022 and 18.03.2022 and remove the encroachments made by respondents 8 to 15 at S.Nos.74/1, 74/2, 45/4, 50 measuring an total extent of 35.5 Ares, 29.5 Ares, 17.5, 8.45 Ares respectively (Sri Sarveswaran and Ayyanar Temple lands) situate at Andhimadam Taluk, Ariyalur District S.No.215/1 (Rettai Pillayar Temple Pond) measuring an extent of 1.47 Hectare and S.No.215/2 (Iluppai Thoppu) Measuring an extent of 1.45 Hectare, Varadharajanpettai Town Panchayat and to cancel the patta issued in favour of respondents 16 to 23.

For the Petitioner : Mr.G.Karthikeyan

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader,
for respondents 1, 3 to 7

Mr.N.R.R.Arun Natarajan,
Special Government Pleader,
for the second respondent



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Mr.AR. Karthik Lakshman,
for respondents 8 to 14, 16 to 22

No appearance for respondent No.23

Not ready in notice for respondent No.15

ORDER

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

We have heard Mr.G.Karthikeyan, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, for respondents 1, 3 to 7, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, for the second respondent, Mr.AR. Karthik Lakshman, learned counsel for respondents 8 to 14, 16 to 22.

2. Learned Government Pleader has placed a status report. According to the said status report, the land at S.No.215/2 ad-measuring H.1.45.0 is classified as 'Thoppu' and there is no encroachment on the said land.

3. It is stated that in respect of a property where the encroachment is found, proceedings under the Land Encroachment Act would be initiated.

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4. Learned Government Pleader further submits that survey would be conducted by the authorities and if in survey, encroachment is found, then steps would be undertaken in accordance with law.

5. According to the learned counsel appearing for the second respondent, HR&CE, survey is conducted and no encroachment is found.

6. With regard to the prayer for cancellation of patta, the petitioner can take recourse to the provisions of law and file appropriate proceedings. The writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : yes/no
Neutral Citation : Yes/No
tar



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