



WEB COPY



WP No.18195 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 18195 of 2018

E. Seenuvasan

.. Petitioner

Versus

1. The District Collector
Tiruvannamalai District
Tiruvannamalai.

2. The Revenue Divisional Officer
Cheyyar Division, Cheyyar
Tiruvannamalai District.

3. The Tahsildar,
Vandavasi Taluk,
Vandavasi
Tiruvannamalai District.

4. A. Mannulingam

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents 1 to 3 herein to forthwith take appropriate action and remove the encroachment in S.No.60 (பொதுப் பாதை மற்றும் பொது மேய்ச்சல் நிலம்) and S.No.65 (ஓடை) of Ragunathasamuthiram Village, Vandavasi Taluk, Tiruvannamalai District made by the fourth respondent by considering the representations of the petitioner dated 11.06.2018 & 20.06.2018.



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For Petitioner : Mr. A. Bharathi

For Respondents : Mr.A.Selvendran,
Special Government Pleader for R1 to R3.

Ms. Shaikh Mehrunisa for R4.

ORDER

[Order of the Court was made by R. MAHADEVAN, J]

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by 4th respondent in the land comprised in S.Nos. 60 & 65 in Ragunathasamuthiram Village, Vandavasi Taluk, Tiruvannamalai District by considering his representations dated 11.06.2018 & 20.06.2018.

2. It is stated by the petitioner that he is the owner of the land comprised in Survey No.66 of Raghunatha Samuthiram Village where he is cultivating agricultural crops. It is further stated that the fourth respondent is also having his land in Survey No.64 of the same Village. According to the petitioner, there is a public pathway in Survey No.60 and a canal in Survey No.65 adjacent to the land belonged to the fourth respondent herein. The fourth respondent, without any right, had encroached nearly 50 feet breadth and 200 feet length of the public pathway in Survey No.60 and the canal in Survey No.65 inspite of protest made by the petitioner and others. In this



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context, the petitioner along with few Villagers submitted a representation dated 11.06.2018 to the first respondent to remove the encroachments made by the fourth respondent, but no action was taken thereof. The petitioner therefore submitted a representation on 20.06.2018 to the respondents 1 to 3 to remove the encroachments made by the fourth respondent. In spite of such representations, the respondents 1 to 3 did not take any action, therefore, the present writ petition is filed.

3. The learned counsel for the petitioner reiterated the averments made in the affidavit filed in support of the writ petition and submitted that it would be suffice if a direction is issued to the respondents 1 to 3 to consider the representations dated 11.06.2018 & 20.06.2018 submitted by the petitioner for removal of the encroachments made by the fourth respondent within a specified time limit.

4. The learned Special Government Pleader appearing for the Respondents 1 to 3, by producing a communication dated 09.02.2023, submitted that necessary action would be taken by the concerned authorities for removal of encroachments as per law within a time to be stipulated by this Court.



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5. We have heard the learned counsel for the petitioner as well as the learned Special Government Pleader for the respondents 1 to 3 and perused the materials placed on record.

6. It is evident that the petitioner submitted representations on 11.06.2018 and 20.06.2018 to the respondents 1 to 3 seeking to remove the encroachments made by the fourth respondent. The petitioner, finding no response on such representations, has filed this writ petition on 09.07.2018. This writ petition is pending before this Court for the past more than four years. While so, now a communication dated 09.02.2023 has been sent by the third respondent addressed to the office of the Government Pleader, High Court, Madras stating that the fourth respondent had encroached upon the public pathway by putting up a cement sheeted house and it will be removed at the earliest. Such statement on the part of the third respondent is refuted by the counsel for the fourth respondent.

7. Considering the submissions made by the learned counsel on either side and the communication dated 09.02.2023 of the third respondent referred above, this Court, without going into the merits of the case, directs the third respondent to consider the petitioner's representations dated 11.06.2018



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& 20.06.2018 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned within a period of eight (8) weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as alleged by the petitioner, the same shall be removed, after following due process of law.

8. With the above directions, this Writ Petition is disposed of. No costs.

(R.M.D., J) (M.S.Q., J)

09.02.2023

ay/rsh

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. The District Collector
Tiruvannamalai District
Tiruvannamalai.

2. The Revenue Divisional Officer
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