



W.M.P.No.20250 of 2023

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in

W.P.No.13088 of 2023

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R.MAHADEVAN, J.

and

R.N.MANJULA, J.

(Order of the court was made by R.MAHADEVAN, J.)

Seeking to clarify the order dated 24.05.2023 passed in WP.No.13088 of 2023, the fourth respondent in the said writ petition has come up with this miscellaneous petition.

2.For the ease of reference, the relevant passage of the aforesaid order is extracted below:

"2. When the writ petition was taken up for hearing, Mr.P.Muthukumar, learned State Government Pleader, after perusing the records, fairly submitted that, prima facie, there appears to be encroachments at S.No.293/10, and the same would be removed within a period of four weeks.

3. Recording the said submission of the learned State Government Pleader, the writ petition is disposed of directing the first respondent to conduct a survey, and if any encroachment is found, issue notice to the encroachers and remove the same. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. There will be no order as to costs."



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3. According to the learned counsel for the petitioner herein, after conducting the survey of the land in S.No.293/10 which is the lane meant for the lands in S.Nos.293/5, 293/6, 293/7 and 293/8, belonging to the petitioner and his family members, the petitioner has been constructing a house in his patta land in S.No.293/5. It is further submitted that the writ petitioner / first respondent herein, who is living in S.No.293/12, has encroached the lane in S.No.293/10, which was noticed by the authorities on 10.10.2022, however, he preferred the writ petition under the garb of public interest litigation as if the petitioner herein has encroached the land in S.No.293/10 and the said writ petition was also disposed of, without providing an opportunity of hearing to the petitioner herein. It is also submitted that the orders of the respondents 3 and 4 herein, are contradictory with each other viz., the fourth respondent stated that the land in S.No.293/5 has been registered as lane in the village 'A' register, whereas the third respondent stated in his proceedings dated 14.03.2022 that the land in S.No.293/5 belongs to the petitioner herein and the land in S.No.293/10 registered as lane in 'A' register, has been encroached by him. The learned counsel further submitted that pursuant to the order dated 24.05.2023 passed in the writ petition, the respondent authorities are attempting to demolish the house constructed by the petitioner herein



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in his patta land and hence, the said order needs to be clarified by this court.

4.On the other hand, the learned Government Pleader appearing for the respondents 2 to 4, has candidly submitted that due to administrative exigencies, the respondent authorities were unable to complete the survey as directed by this court by order dated 24.05.2023 in WP.No.13088 of 2023. Therefore, the learned counsel sought time for complying with the said order of this court.

5.We have heard the learned counsel for the first respondent/writ petitioner, on the above submissions made by the learned counsel for the petitioner herein as well as on the side of the respondent authorities.

6.Considering the facts and circumstances of the case and also taking note of the submissions made by the learned counsel appearing for all the parties, this court, without going into the merits of the case, directs the respondent authorities to conduct survey of the land in S.No.293/10 situated in Velakapuram Village, Uthukottai Taluk, Thiruvallur District, and thereafter, remove the encroachment, if any, in accordance with law,



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within a period of four weeks from the date of receipt of a copy of this order. It is made clear that such survey shall take place, after issuing notice to all the parties concerned, indicating the specific date for the same and also in the presence of the parties and thereafter, proceed further as per law.

7. With the above clarification, this writ miscellaneous petition is disposed of.

[R.M.D,J.] [R.N.M,J.]
26.07.2023

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