



WP No.22598 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.02.2023

CORAM

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

Writ Petition No. 22598 of 2019

M. Sivasakthivel

.. Petitioner

Versus

1. The District Collector
Office of the District Collector
Vellore District – 635 801
2. The Tahsildar
Office of the Tahsildar
Natrampalli
Vellore District – 636852
3. The Block Development Officer
Natrampalli Union, Natrampalli P.O.
Vellore District – 635 852.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the second respondent to consider the representations of the petitioner dated 25.10.2017, 02.03.2018, 09.03.2019, 08.06.2019 and 18.07.2019 and to survey and demarcate the boundaries of the cart track running through S.Nos.198/4C, 198/4B, 198/4A, 199/1, 199/2B, 199/2C, 199/2D, 199/2E, 199/2F, 199/2G, 199/2J, 181/5, 181/3A and 181/1B in Thekkupattu Village, Natrampalli Taluk, Vellore District with the extent of the Cart Track as 20 links in width i.e., 13.2 feet width and thereby remove the encroachments in the said cart track and further to comply with the order dated 07.09.2018 issued to the second respondent by the third respondent and submit



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a report to the third respondent within a specific time frame and on receiving such report, direct the third respondent to lay a tar road in the said cart track.

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For Petitioner : Mr. N. Baaskaran

For Respondents : Mr. A. Selvendran,
Special Government Pleader

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 second respondent to survey and demarcate the boundaries of the cart track running through the lands comprised in S. Nos. 198/4C, 198/4B, 198/4A, 199/1, 199/2B, 199/2C, 199/2D, 199/2E, 199/2F, 199/2G, 199/2J, 181/5, 181/3A and 181/1B in Thekkupattu Village, Natrampalli Taluk, Vellore District, after such survey, remove the encroachments in the said cart track, comply with the order dated 07.09.2018 issued by the third respondent to the second respondent and to lay a tar road in the said cart track.

2. According to the petitioner, he is the owner of the land comprised in Survey No. 198/4B in Thekkupattu Village, Natrampalli Taluk, Vellore District. Adjacent to his land, there is a public cart track having a width of 13.2 feet (equivalent to 20 links) and it runs through the lands comprised in Survey Nos. 198/4C etc., It is stated that this cart track is in use from time



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immemorial and it begins from Jolarpettai Union Road and ends at Natrampalli Union Road. It is further stated that this cart track is one of the major links that connect the Villages such as Mallakunga, Thekkupattu, Mallankuppam, Koothandakuppam and Kedhandapatti thereby cuts short the travelling distance to reach various other villages. However, due to encroachment made in this cart track, the width of the cart track has been reduced considerably which is causing inconvenience to the Villagers. In this regard, the petitioner has given a representation dated 25.10.2017 requesting the respondents to remove the encroachments and to restore the cart track to it's original width, however, no action was taken. Therefore, on 02.03.2018 the petitioner submitted another representation for which a reply dated 08.11.2018 was issued by the second respondent calling upon him and others to appear for an enquiry on 16.11.2018. Accordingly, the petitioner appeared on 16.11.2018 before the second respondent for an enquiry but others, to whom the notice dated 16.11.2018 was issued, did not appear. After completing enquiry, on 16.11.2018 itself, the second respondent and his officials inspected the cart track and assured the petitioner that appropriate steps will be taken for removal of the encroachments. However, no steps have been taken and therefore, the petitioner sent a reminder dated 18.07.2019 and reiterated his request to clear the encroachments, but till date, no action is



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forthcoming and therefore, the petitioner is before this Court with this writ petition for the relief mentioned supra.

3. When this matter is taken up for consideration, the learned Special Government Pleader appearing for the respondents submitted that during inspection, it was noticed that there was no encroachment made in the various lands mentioned by the petitioner. However, it unfolded that there were encroachments in the lands comprised in S.Nos.198/4A and 198/4C. It is further submitted that a survey will be conducted to remove the encroachments made in Survey Nos. 198/4A and 198/4C within a time frame to be stipulated by this Court.

4. The learned counsel for the petitioner fairly conceded the said submission and confined his prayer to remove the encroachment in the land in S.Nos.198/4A and 198/4C at an early date.

5. In view of the above, this Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner to survey the lands comprised in Survey Nos. 198/4A and 198/4C and pass appropriate orders, with regard to removal of encroachment, on



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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. The petitioner is directed to pay the requisite fee for the said survey to the concerned authorities. 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.

6. 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

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