



WEB COPY

WP No.23677 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 16-08-2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**WP No.23677 of 2023**

R.Mathivanan

... Petitioner

Vs.

1.The District Collector,  
Cuddalore,  
Cuddalore District.

2.The Superintendent of Police,  
Cuddalore District.

3.The Inspector of Police,  
Sethiyathope Police Station,  
Sethiyathope.

4.R.Velumani (Deputy Tahsildar)

... Respondents

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to pass appropriate orders on the representation of the petitioner dated



20.02.2023 based on the order made in WP No.16780 of 2022 dated 15.02.2023 and also direct the respondents 1 to 3 herein to remove the coconut tree and temporary roof shed belongs to the fourth respondent over the petitioner's land.

For Petitioner : Mr.A.Prakash  
For Respondent-1 : Mr.C.Jayaprakash,  
Government Advocate.  
For Respondents-2 and 3 : Mr.S.Vinothkumar,  
Government Advocate.  
For Respondent-4 : Party-in-Person

### **ORDER**

The relief sought for in the present writ petition is to direct the the first respondent herein to pass appropriate orders on the representation submitted by the petitioner on 20.02.2023.

2. The petitioner states that his property situate adjacent to the properties belonging to his own brother-fourth respondent. The fourth respondent is working as Deputy Tahsildar in Cuddalore District. The



petitioner further states that the coconut tree planted near the compound wall belonging to the petitioner, is completely causing nuisance to the petitioner and he is not in a position to construct house in his property

3. The photographs produced before this Court by the petitioner reveal that the coconut tree planted inside the properties belonging to the fourth respondent, is now completely standing inside the properties belonging to the petitioner. Thus the petitioner is unable to construct any building on account of the obstruction caused due to the coconut tree planted by the fourth respondent near the compound wall of the petitioner's property.

4. Unless the coconut tree is removed, the petitioner may not be in a position to construct house inside his premises. Whoever causes nuisance to the adjacent owners or the neighbours, the said nuisance or obstructions are to be removed and it is the duty cast upon the Revenue Authorities.



5. In the present case, this Court directed petitioner and the fourth respondent to be present before this Court on 16.08.2023 for the purpose of resolving the issues. Accordingly, today i.e., 16.08.2023, the petitioner and the fourth respondent are present before this Court.

6. Understanding the facts and circumstances, the fourth respondent Mr.R.Velumani, Deputy Tahsildar agreed to remove the coconut tree, which is causing nuisance to the petitioner, enabling the petitioner to complete the compound wall construction process and utilise his property peacefully.

7. Thus, the fourth respondent is directed to remove the disputed coconut tree, within a period of two weeks from today. The petitioner shall not cause any further nuisance to the fourth respondent and he is at liberty to complete the compound wall construction process in a peaceful manner. If any other land dispute exists between the petitioner and the fourth respondent, the parties are at liberty to approach the Competent Court of Law for the purpose of resolving the issues.



8. With the above directions, the present writ petition stands disposed of. However, there shall be no order as to costs.

**16-08-2023**

Index : Yes/No  
Internet: Yes/No  
Speaking order/Non-Speaking order  
Neutral Citation : Yes/No  
Svn

To

- 1.The District Collector,  
Cuddalore,  
Cuddalore District.
- 2.The Superintendent of Police,  
Cuddalore District.
- 3.The Inspector of Police,  
Sethiyathope Police Station,  
Sethiyathope.



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**S.M.SUBRAMANIAM, J.**

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**WP 23677 of 2023**

**16-08-2023**