



W.P.No.25639 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

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THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.25639 of 2022

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Petitioner

Vs.

1. Government of Tamil Nadu
Rep. by the Principal Secretary to Government
Revenue Department, Fort St. George
Chennai 600 009.

2. The Collector
Namakkal District.

3. The Revenue Divisional Officer
Tiruchengode Taluk.

4. The Tahsildar
Tiruchengode Taluk.

5. The Block Development Officer
Elachipalayam Block.

6. The President
Goothampoondi Village Panchayat.

7. Mary

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Respondents



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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 2 to 5 to remove the encroachment, cover the septic tank with soil, clear the concrete rubbles of septic tank and staircase and restore the street for the use of the petitioner and general public and consequently to issue an appropriate direction to the seventh respondent not to disturb the peaceful enjoyment of the street by clearing structures and to pay cost to the petitioner for causing agony both physically and mentally.

For the Petitioner : Mr.K.S.Govinda Prasad

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 to 6

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner seeks a direction to the respondents 2 to 5 to remove the encroachment and the septic tank, staircase and restore the street for her use and general public and a consequential direction to the seventh respondent not to disturb the peaceful enjoyment.

2. Learned State Government Pleader appearing for the



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respondents 1 to 6 submitted that some of the encroachments have been removed. He has filed a detailed report of the fourth respondent to that effect.

3. In the report filed by the fourth respondent, it is stated that the land covered in Natham S.No.97/29 is classified as vacant land and not as pathway in the revenue records and that S.No.97/37 is situate on the southern sides of S.Nos.97/33 and 97/36, which is classified as pathway. The petitioner and the seventh respondent are using Natham S.No.97/37 to reach their properties comprised in Natham S.Nos.97/33 and 97/36. A survey conducted on 29.11.2022, in the presence of the petitioner and the seventh respondent and it was found that the seventh respondent has made encroachment in S.No.97/29 by dumping black stones and constructing septic tank. The black stones were removed on 19.12.2022 in the presence of the Zonal Deputy Tahsildar, Tiruchengode, Taluk Surveyor, Revenue Inspector, Village Administrative Officer and Inspector of Police, Velagoundampatti. The septic tank will be removed after following due process of law.



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4. It is further stated in the report that the seventh respondent has also encroached the land in S.No.97/34 by constructing a house, which is classified as vacant land in A Register and that the petitioner has encroached the land in S.No.97/35, which is also classified as vacant land, has been encroached by constructing a house, a portion of which, falls in S.No.97/29, which lies adjoining S.No.97/35.

5. Recording the averments made in the report that the encroachment made by the seventh respondent by dumping black stones have been removed and that the septic tank will be removed by following due process of law, this writ petition is disposed of. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
20.03.2023

Index : Yes/No
Neutral Citation : Yes/No

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and
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