



W.P.No.26039 of 2019

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 3 to survey the land comprised in Grama Natham Survey No.67/19, Block No.41, new survey No.67/41 (as per patta No.63 Grama Natham Old Survey No.67/19), measuring to an extent of 1076 sq.ft. by fixing the boundary stones by removing the encroachment made by the respondents 5 and 6 comprised in Old Survey No.67/19, Part, New Survey No.67/41, Irumbuli Villge, Thirukazhikundram, Kancheepuram District which land belongs to Arulmighu Vedhagireeswarar Thirukoil, the 4th respondent herein pursuant to my representation dated 22.04.2019.

For Petitioner	: Mr.A.Damodaran
For R1 & R3	: Mr.A.Selvendran Special Government Pleader
For R2	: Mr.K.V.Sanjeev Kumar
For R4	: Mr.R.Karthikeyan
For R5 & R6	: Mr.Govi Ganesan

ORDER

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

The petitioner has filed this writ petition for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to survey the land in Grama Natham Survey No.67/19, Block No.41, new survey No.67/41, measuring an extent of 1076 sq.ft. Irumbuli Village, Thirukazhikundram, Kancheepuram District,



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remove the encroachment made by the respondents 5 and 6, and fix the boundary stones by considering his representation dated 22.04.2019.

2. The case of the petitioner is that he is the absolute owner of the subject property by virtue of the sale deed dated 29.05.2015 registered as Doc.No.3321 of 2015 on the file of the SRO, Thirukazhikundram, Kancheepuram District. From the date of purchase of the said property, he has been in possession and enjoyment of the same, without any interruption. While so, the respondents 5 and 6, residents of Chokkamman Koil Street, Thirukazhikundram Taluk, Kancheepuram District, have encroached the frontage of the subject property, i.e., the land between the petitioner's property and Prathakshina Pattai comprised in Old S.No.67/19, Part, New S.No.67/41, Irumbuli Village, which belongs to fourth respondent temple and thereby caused disturbance to the peaceful enjoyment of the subject property by the petitioner. According to the petitioner, due to the said encroachment, he is unable to start the construction work and does not have pathway to his land. Therefore, he submitted a representation dated 22.04.2019 to the respondent authorities to remove the encroachment made by the respondents 5 and 6. Finding no response on the same, he has come forward with this writ petition.



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3. Upon notice, the third respondent filed a counter affidavit, *inter alia* stating that based on the petitioner's representation, survey was conducted, during the course of which, it was found that there is no encroachment in his property. The counter affidavit further proceeds to state that the southern side of the petitioner's property in S.No.459A/1 of Thirukkalukundram Village, was mentioned as Arulmigu Vedhagiriswarar Poramboke, Arulmigu Vedhagiriswarar Samy Malaikoil Purathana Chinnam Orukal Mandapam in the 'A' register; the respondents 5 and 6 are encroaching the said poramboke land which is under the control of the fourth respondent and hence, the fourth respondent alone, shall take steps to remove the said encroachment.

4. However, when the matter was taken up for consideration, the learned Special Government Pleader appearing for the respondent authorities submitted that if there is any encroachment in the petitioner's property, the same shall be removed, after following due process of law.

5. Recording the above submission, this Court, without going into the merits of the case, directs the respondent authorities to conduct enquiry and remove the encroachment, if any, in respect of the subject property, as per law and after affording an opportunity of hearing to all the parties concerned,



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within a period of eight weeks from the date of receipt of a copy of this order.

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Accordingly, this writ petition stands disposed of. No costs.

[R.M.D,J.] [M.S.Q, J.]

15.06.2023

Internet : Yes

Neutral Citation : Yes/No
gya

To

1.The District Collector
Kancheepuram District
Kancheepuram

2.The Block Development Officer
Thirukazhikundram
Kancheepuram District

3.The Tahsildar
Thirukazhikundram Taluk
Thirukazhikundram

4.The Executive Officer
Arulmighu Vedhagireeswarar Temple
Thirukazhikundram
Kancheepuram District



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R. MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

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