



W.P.No.26426 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM :

**THE HON'BLE MR. JUSTICE R. MAHADEVAN
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ**

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G.Sounderrajan

... Petitioner

Vs.

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thiruvannamalai.
- 3.The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai.
- 4.The Block Development Officer,
O/o.The Block Development Officer,
Thiruvannamalai.
- 5.C.Kalidoss (Ex VAO),
S/o.Chinnappan,
Chellaneri Street,
Kizhnathur,
Thiruvannamalai - 606 601.



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6.A.Balaraman (Ex Panchayat President),
S/o.Arumugam Gounder,
Indira Nagar,
Pallikondapattu,
Thiruvannamalai - 606 611.

7.R.Dhanapal
8.K.Kuppusamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 4 to initiate action against the respondents 5 to 8 the encroachers and unauthorized cultivators in the government land i.e., Ponds and Common Pathway (Pattai) comprised in S.Nos.27 and 42 at Kiznathur Village, Thiruvannamalai Taluk & District in the light of the letter issued by the third respondent in Ref.No.F1/15291/2017, dated 22.06.2018 expeditiously in accordance with law.

For petitioner : Mr.K.Balaji

For respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R4

Mr.C.Prakasam for R5
Mr.P.G.Thiyagu for R6

No appearance for R7 and R8

ORDER

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

The relief sought in this writ petition is to issue a writ of mandamus, directing the respondents 1 to 4 to take action against the respondents 5 to 8/



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encroachers and unauthorized cultivators of the government land comprising of ponds and common pathway in S.Nos.27 and 42 situated in Kiznathur Village, Thiruvannamalai Taluk & District, in the light of the communication sent by the third respondent in Ref.No.F1/15291/2017, dated 22.06.2018, in accordance with law.

2. The case of the petitioner is that he owns land measuring an extent of 82 cents in S.No.43/1C, situated in Kiznathur Village, Thiruvannamalai District and is doing agricultural activities. Adjacent to his land, there are two ponds viz., Sakarai Kulam and Thalaieruthan Kuttai in S.Nos.27 and 42 respectively. It is further stated by the petitioner that the entire village people including the petitioner, were using a common pathway adjacent to the said ponds to reach the main road for the past 50 years to transport manure and agricultural products. Now, the petitioner's grievance is that the said pathway and the ponds have been encroached by the respondents 5 to 8, by levelling the land and cultivating crops, thereby causing hindrance to the petitioner and other village people to reach their respective lands. Pointing out the same, the petitioner submitted representations dated 25.08.2014, 03.11.2014 and 14.12.2015 to the respondent authorities to remove the encroachment made by the private respondents. Upon receipt of the same, inspection was conducted and an report was sent by the Village Administrative Officer to the third respondent, wherein, it has been



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category stated that the respondents 5 to 8 have encroached upon the water body and the common pathway. Based on the same, the third respondent vide communication dated 22.06.2018, directed the fourth respondent for necessary action. Thereafter, nothing progressed. Therefore, this writ petition.

3. Today, when the matter was taken up for consideration, the learned Special Government Pleader appearing for the respondent authorities fairly submitted that the competent authority would conduct enquiry, after providing due opportunity to all the parties concerned, so as to submit their documents in respect of their claims, and thereafter, take action for removal of encroachment, if any, in accordance with law.

4. In view of the above submission made on the side of the respondent authorities, this court, without going into the merits of the case, directs the respondent authorities to consider the claim of the petitioner, conduct inspection afresh and thereafter, pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to all the parties concerned, including the private respondents herein, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment in the public pathway and water body, as alleged by the petitioner, the same shall be removed, after following due process of law.



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5. With the above direction, this writ petition stands disposed of. No costs.

[R.M.D,J.] [M.S.Q, J.]
20.02.2023

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Speaking Order /Non-speaking order

Internet : Yes.

Index : Yes/No

To

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Thiruvannamalai.
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