



WEB COPY



W.P.No.29206 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.29206 of 2023
and
W.M.P.No.28803 of 2023

G.Ramachandran

.. Petitioner

VS

1.The Government of Tamil Nadu
Represented by its Secretary to Government
Public Works Department
Fort St. George, Chennai-600 009

2.The District Collector
Cuddalore District
Cuddalore

3.The Executive Engineer
Public Works Department
Chidambaram
Cuddalore District

4.The Tahsildar
Chidambaram
Cuddalore District

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents from putting up road in the petitioner's agricultural lands in Sy. No.131/1, 131/2, 131/6, 129/5, 133/4, 133/6 in Poonthottam Village, Orathur, Chidambaram Taluk, Cuddalore District, without due process of law.

(Prayer amended vide order of this Court dated 08.11.2023 in WMP.No.31119 of 2023 in WP.29206 of 2023)



WEB COPY



W.P.No.29206 of 2023

For Petitioner : Mr.J.Antony Jesus
For Respondents : Mr.P.Anandakumar
Government Advocate

ORDER

Both learned counsel request that the writ petition itself may be disposed finally. Hence, final orders are passed by consent of both learned counsel.

2. The petitioner claims to be the owner of agricultural lands in Survey No.131/1, 131/2, 131/6, 129/5, 133/4 and 133/6 in Poonthottam Village, Orathur, Chidambaram Taluk, Cuddalore District(property / property in question) and seeks a mandamus forbearing the respondents from putting up the road in the property in question without due process of law.

3. He has made a representation on 14.09.2023 alleging that there was an inspection by the authorities and certain lands have been earmarked for putting up a road which would greatly prejudice him.

4. A Counter has been filed by the respondents, wherein, they state that the petitioner is in fact an encroacher in the property in question. The respondents refer to complaints received from the public regarding the draining of water in Survey no.132 Voikal due to encroachment by some persons.



W.P.No.29206 of 2023

5. An enquiry was thus conducted and the Tahsildar was directed on 10.08.2023 to measure the lands in survey No.132 Voikal and determine the limits. An inspection was conducted on 12.09.2023 by the officers of the Revenue and Water Resources Departments with the assistance of Surveyors, Village Administrative Officers and Village Assistants. In the course of the enquiry, the petitioners and other persons were found to be encroachers.

6. The respondents categorically state that the inspection of the area and the marking was only for verifying the limits of encroachment and not to lay a road. In such circumstances, prima facie found to be adverse to the petitioner, no mandamus can be issued forbearing the respondents from dealing with the property in question, as sought for by the petitioner.

7. However, Mr.Anandakumar, would have no objection to the authorities disposing the representation of the petitioner dated 14.09.2023 after conducting inspection in the presence of the petitioner and examination of any documents that the petitioner may produce to support his claim that he is the legitimate owner of the property in question.

8. Hence mandamus is issued to R4 /The Tahsildar, Chidambaram, Cuddalore District, to issue notice to the petitioner



W.P.No.29206 of 2023

and thereafter cause an inspection of the land, obtain assistance of Surveyor and mark the limits of the petitioner's land / encroachment, as the case may be. Let the petitioner be heard in full and an order passed on his representation within a period of four weeks from date of inspection, which shall be conducted within two weeks from today, all in accordance with law.

9. Writ petition stands disposed in terms of this order. No costs. Connected miscellaneous petition is closed.

08.11.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The Secretary to Government,
Government of Tamil Nadu
Public Works Department
Fort St. George, Chennai-600 009

2.The District Collector
Cuddalore District
Cuddalore

3.The Executive Engineer
Public Works Department
Chidambaram
Cuddalore District

4.The Tahsildar
Chidambaram
Cuddalore District



WEB COPY



W.P.No.29206 of 2023

DR. ANITA SUMANTH,J.

ssm

W.P.No.29206 of 2023

08.11.2023