



W.P.No.29340 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29340 of 2023

M.RAVANAN

.. Petitioner

Vs

1. THE DISTRICT COLLECTOR
VELLORE DISTRICT, VELLORE.
2. THE TAHSILDAR
GUDIYATHAM TALUK,
VELLORE DISTRICT.
3. THE SUPERINTENDING ENGINEER
PUBLIC WORKS DEPARTMENT
(IRRIGATION DIVISION),
KANGEYANALLUR KOOTU ROAD,
KATPADI, VELLORE DISTRICT.
4. THE JUNIOR ENGINEER
WATER RESOURCES DEPARTMENT
(IRRIGATION DIVISION),
GUDIYATHAM, VELLORE DISTRICT.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records relating to the impugned order dated 21.09.2023 made in letter No.257/Ko-



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29/E.Po-Ku/2023 issued by the 4th respondent and to quash the same.

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For the Petitioner : Mr.C.Prabhakar
for Mr.G.Vinodhkumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.C.Prabhakar, learned counsel for the petitioner; and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader, for the respondents.

2. The petitioner is challenging the order passed by the fourth respondent dated 21.9.2023, wherein it is stated that the petitioner has encroached the water body.

3. Learned counsel for the petitioner submits that the measurement is not carried out in the presence of the petitioner.



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The respondents may carry out the measurement in the presence of the petitioner. The petitioner has earlier approached this court by filing W.P.No.26489 of 2023. This court, under order dated 13.9.2023, had directed the respondents to consider the reply filed by the petitioner, as the petitioner is in possession of his own patta land.

4. When the earlier order was issued for removal of encroachment, we had directed the respondents to consider the reply that may be filed by the petitioner. It appears that the measurement was carried out and encroachment is found. The land survey was also conducted by the authorities.

5. In case the petitioner is aggrieved by the measurement/survey, the petitioner has a remedy of appeal against the same. The petitioner may avail the remedy.

6. The petitioner also has a remedy to prove the extent of his land before the civil court. It is for the petitioner to avail the said



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remedy also.

With the aforesaid observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.28971 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

11.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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