



W.P.No.33909 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

AND

THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.P.No.33909 of 2023

AND

W.M.P.No.33777 of 2023

V.Dhamodaran

.. Petitioner

Vs.

1.The Collector
Collectorate of Vellore
Vellore District

2.The Tahsildar
Katpadi
Vellore District

3.The Executive Engineer
Thiruvalam Town Panchayat
Vellore District

4.The Assistant Director
Director of Survey and Land Records
Vellore

5.T.M.Mani

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records relating to the impugned order passed by



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the 3rd respondent made in Na.Ka.No.130/2023 dated 07.11.2023 and to quash the same.

For Petitioner : Mr.J.Ramesh
For R1 to R4 : Mr.P.Muthukumar
Government Pleader

ORDER

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

This writ petition has been posted today for admission. By consent of both parties, the main writ petition itself is taken up for disposal.

2.This writ petition has been filed to quash the order dated 07.11.2023 passed by the 3rd respondent viz., Executive Officer, Thiruvalam Town Panchayat, Vellore District.

3.It is the case of the petitioner that he purchased a house property located in new survey No.186C/53, old survey No.186C/4B, Thiruvalam, Vellore District on 24.08.1998 *vide* document No.3295 of 1998. Based on the complaint given by his neighbour, the 5th respondent herein, on a wrong notion that the petitioner has encroached the lane in survey No.186C/19 to an extent of 105sq.ft., the Executive Officer, Town Panchayat, Thiruvalam, issued a notice



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dated 06.11.2023 to the petitioner. Consequently, another notice dated 07.11.2023 under Section 7 of the Tamil Nadu Encroachment Act, 1905, was issued to the petitioner to remove the encroachment within 15 days. It is the specific case of the petitioner that he applied for surveying the property in question and also paid necessary fee on 02.08.2023 itself, but without considering the same, the impugned notice came to be issued against him. In such circumstances, the petitioner has submitted a representation dated 15.11.2023 to the respondent authorities requesting to resurvey his land and thereafter, filed this writ petition seeking to quash the impugned notice.

4.The learned counsel appearing for the petitioner submitted that the petitioner has not encroached the subject land as alleged by the authorities and that, if the respondent authorities conduct resurvey of the property, the truth will come to light. Hence, the learned counsel prayed for a direction to the respondent authorities to resurvey the subject land at the earliest, by considering the representation submitted by the petitioner.

5.On the other hand, the learned Government Pleader appearing for the official respondents fairly submitted that survey would be conducted, after the conduct of survey, an opportunity will be provided to the petitioner so as to



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substantiate his claim, and thereafter only, necessary action for removal of encroachment, if any, would be taken by the authorities.

6. Recording the above submission made by the learned Government Pleader, this writ petition is disposed of, leaving it open to the respondent authorities to survey the subject land, provide an opportunity of being heard to the petitioner and thereafter, proceed with the matter in the manner known to law. Till such time, both the parties are directed to maintain *status quo*, prevailing as on today. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D,J.] [M.S.Q, J.]
01.12.2023

Neutral Citation : Yes/No
gya

To

1.The Collector
Collectorate of Vellore
Vellore District

2.The Tahsildar
Katpadi, Vellore District

3.The Executive Engineer
Thiruvalam Town Panchayat
Vellore District



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4. The Assistant Director
Director of Survey and Land Records
Vellore



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AND
MOHAMMED SHAFFIQ, J.

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