



WP No. 29861 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 29861 of 2018
and
WMP. No. 34862 of 2018

K. Kathirvel

.. Petitioner

Versus

1. The District Collector
Villupuram District
Villupuram
2. The Regional Divisional Officer
Tindivanam, Tindivanam Taluk
Villupuram District
3. The Inspector of Police
Brammadhesam Police Station
Villupuram District
4. The Tahsildar
Tindivanam, Tindivanam Taluk
Villupuram District
5. The Block Development Officer
Marakkanam Panchayat Union
Panchayat Union Office
Marakkanam, Tindivanam Taluk
Villupuram District



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6. The Head Surveyor
Tindivanam Taluk Office
Tindivanam Taluk
Villupuram District

7. The Village Administrative Officer
Then Nerkunam Village
Molasur Post, Tindivanam Taluk
Villupuram District

8. C. Ramasami

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 4 and 5 herein to consider the petitioner's representation dated 20.09.2018, and consequently to remove the encroachment made by the 8th respondent in public road situated in Survey No.74 of Thennerkunam Village, Tindivanam Taluk, Villupuram District, at the earliest point of time as may be fixed by this Court.

For Petitioner : Mr. N. Elumalai
For R1 to 4, 6 & 7 : Mr. A. Selvendran,
Special Government Pleader
For R5 : Mr. S.N. Parthasarathi
For R8 : No appearance

ORDER

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

The petitioner has filed this writ petition for issuance of Writ of Mandamus to direct the respondents 4 and 5 to consider his representation dated 20.09.2018, and consequently to remove the encroachment made by the 8th respondent in public road situated in Survey No.74 of Thennerkunam

Village, Tindivanam Taluk, Villupuram District.



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4. The learned Special Government Pleader for the respondents 1 to 4, 6 & 7 produced a copy of the communication in Na.Ka.No.A4/00713/2023 dated 28.02.2023 of the fourth respondent, wherein, it is stated that the sixth respondent surveyed the land of the petitioner on 15.03.2023 and the four boundaries of his property were fixed. During such survey, an enquiry was conducted with the petitioner and he complained that the eighth respondent had constructed the cement sheeted house in a land which is classified as public lane. In this regard, the learned Special Government Pleader seeks time to survey the so-called public lane over which the eighth respondent alleged to have put up a construction and to remove the encroachment, if any.

5. In view of the above submission made by the learned Special Government Pleader, the fourth respondent is directed to consider the representation dated 20.09.2018 of the petitioner, cause survey of the public road in front of the house of the petitioner, in the presence of the petitioner as well as the eighth respondent and others, if any and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that if there is any encroachment made by the eighth respondent, as complained by the petitioner, the same shall be removed, after following due process of law.



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

Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [M.S.Q., J.]
06.03.2023

Index : Yes / No

Internet : Yes / No

av/rsh

To

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3. The Inspector of Police,
Brammadhesam Police Station,
Villupuram District.
4. The Tahsildar,
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Villupuram District.
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