



W.P.No.4411 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4411 of 2021

and

W.M.P.No.5011 of 2021

B.Krishnamurthy

.... Petitioner

Vs

1.The District Collector,
Thiruvallur District,
Office of the District Collector,
Thiruvallur - 602 001.

2.The District Development Officer,
Thiruvallur District,
Office of the District Collector,
Thiruvallur - 602 001.

3.Block Development Officer,
Ellapuram Union,
Uthukkottai Taluk,
Thiruvallur District.

4.The Tahsildar,
Uthukkottai Taluk,
Uthukkottai - 602 026.

5.The Chief Election Commissioner,
No. 208/2, Jawaharlal Nehru Street,
Arumbakkam,
Chennai - 600 106.

6. Gayathri Kothandan



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7. Vaishali

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, forbearing the respondents 1 to 3 from encroaching upon the property belonging to the petitioner in Survey Nos. 81/1, 20/A1, 20/A2, 23/1, 3, 26A, 86/1, 91/2, 92, 93/2, 3 and 4, 95/3, 98, 99/2, 95/2, 96, 100/1, 101, 103, 106/1, 108/2A, 149/1, 151/1, 3, 166/1, 169/1, 172/1, 175/1, 114/1A, 116/1A, 110/2, 110/3, 111/1, 112/1, 112/2, 114/1B, 116/1B, 120/2, 148, 149/2, 150, 151/2, 156/1, 156/2, 157, 159/1 and 209/1, Vadamathurai Village, Uthukkottai Taluk, Thiruvallur District, for the purpose of laying concrete road or for any other purposes without following the due procedure of law.

For Petitioner : Mr.M.L.Ramesh

For R1 to R4 : Mr.C.Kathiravan
Special Government Pleader

For R5 : Mr.B.Nedunchizhiyan

ORDER

This Writ Petition has been filed forbearing the respondents from encroaching upon the property belongs to the petitioner comprised in survey Nos. 81/1, 20/A1, 20/A2, 23/1, 3, 26A, 86/1, 91/2, 92, 93/2, 3 and 4, 95/3, 98, 99/2, 95/2, 96, 100/1, 101, 103, 106/1, 108/2A, 149/1, 151/1, 3, 166/1, 169/1, 172/1, 175/1, 114/1A, 116/1A, 110/2, 110/3, 111/1, 112/1, 112/2, 114/1B, 116/1B, 120/2, 148, 149/2, 150, 151/2, 156/1, 156/2, 157, 159/1 and 209/1, situated Vadamathurai Village,



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Uthukkottai Taluk, Thiruvallur District, for the purpose of laying concrete road or any other purposes.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner owned patta lands comprised in survey Nos. 81/1, 20/A1, 20/A2, 23/1, 3, 26A, 86/1, 91/2, 92, 93/2, 3 and 4, 95/3, 98, 99/2, 95/2, 96, 100/1, 101, 103, 106/1, 108/2A, 149/1, 151/1, 3, 166/1, 169/1, 172/1, 175/1, 114/1A, 116/1A, 110/2, 110/3, 111/1, 112/1, 112/2, 114/1B, 116/1B, 120/2, 148, 149/2, 150, 151/2, 156/1, 156/2, 157, 159/1 and 209/1, situated at Vadamathurai Village, Uthukkottai Taluk, Thiruvallur District. On the instigation, the respondents 1 to 3 were intended to lay the road on the patta lands owned by the petitioner.

4. The learned Special Government Pleader, on the instructions, would submit that so far no road has been laid nor any encroachment made by the respondents 1 to 3 in the patta lands owned by the petitioner.

5. The learned counsel for the petitioner would submit that



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even before filing the writ petition, the respondents 1 to 3 attempted to lay a pipeline in the patta lands owned by the petitioner and as such, the petitioner was constrained to file a suit in O.S.No.128 of 1990 against the then President of the Village Panchayat and the Block Development Officer and other authorities. The said suit was decreed in favour of the petitioner, granting a decree of permanent injunction by a Judgment and Decree dated 18.12.1991. Once again the petitioner was filed a suit in O.S.No.42 of 2015 on the file of the District Munsif-cum-Judicial Magistrate Court, Uthukottai, which was also decreed by a Judgment and Decree dated 07.06.2016, granting permanent injunction against the respondents.

6. In view of the above, the respondents 1 to 3 are restrained from encroaching upon the patta lands owned by the petitioner, which are comprised in survey Nos. 81/1, 20/A1, 20/A2, 23/1, 3, 26A, 86/1, 91/2, 92, 93/2, 3 and 4, 95/3, 98, 99/2, 95/2, 96, 100/1, 101, 103, 106/1, 108/2A, 149/1, 151/1, 3, 166/1, 169/1, 172/1, 175/1, 114/1A, 116/1A, 110/2, 110/3, 111/1, 112/1, 112/2, 114/1B, 116/1B, 120/2, 148, 149/2, 150, 151/2, 156/1, 156/2, 157, 159/1 and 209/1 situated Vadamathurai Village, Uthukkottai Taluk, Thiruvallur District.

7. With the above direction, this writ petition stands



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allowed.

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Internet : Yes
Index : Yes/No
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