



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-04-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.2882 of 2024

And

WMP No.3123 of 2024

1.K.Suresh Kumar

2.J.Sekar

3.T.J.Dhanapal

4.Ragunathan

5.J.Sankar

.. Petitioners

-VS-

1.The District Collector,
Sathuvachari,
Vellore District-632 009.

2.The Director,
Veterinary Department,
Chennai-600 035.

3.The Joint Director,
Veterinary Department,



Vellore-632 004.

4.The Revenue Division Officer,
RDO Office,
Sathuvachari,
Vellore District-632 009.

5.The Tahsildar,
Vellore Taluk Office,
Vellore-632 001.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to construct the compound wall of Government Veterinary Hospital at Survey No.358 P/5 located at the entrance of Ramset Nagar First Street, Vellore District without affecting the petitioners' common pathway and shift the hospital to another place, where there is less residential area closed to it by considering the petitioners' representation dated 23.12.2023.

For Petitioners : Mr.M.Prakash Raj for
Ms.Kanchana Arivazhagan.

For Respondents : Mr.U.Baranidharan,
Special Government Pleader.



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WP No.2882 of 2



ORDER

The Writ of Mandamus has been instituted to direct the respondents to construct the compound wall of Government Veterinary Hospital at Survey No.358P/5 located at the entrance of Ramset Nagar First Street, Vellore District without affecting the petitioners' common pathway and shift the hospital to another place where there is less residential area closed to it by considering the petitioners' representation dated 23.12.2023.

2. The grievances of the writ petitioners are that the respondent-Veterinary Department is constructing a compound wall in their street. Thus the present writ petition came to be instituted for protecting the common pathway and shift the Government Veterinary Hospital to another place.

3. With reference to the claim of the writ petitioners, the Regional Joint Director, Animal Husbandry Department, Vellore filed counter-affidavit stating that the writ petitioners are encroachers of Government poramboke land.



4. It is contended that the construction work for Veterinary Hospital and the compound wall, is carried out only in the Government poramboke land, measuring to an extent that 0.13.0 hectare located in Survey No.358P/7 allotted to Animal Husbandry Department.

5. The respondents have further stated that no compound wall is constructed in the Government pathway as alleged by the petitioners. Further an enquiry was conducted by the Revenue Authorities on 20.02.2022 and no objection was raised by the people living in Ramset Nagar for construction of compound wall for Veterinary Hospital in Government Poramboke land, measuring to an extent of 0.13.0 hectare located in Survey No.358P/7.

6. The third respondent-Joint Director filed counter-affidavit and the relevant portions of the counter-affidavit, are extracted as under:-

“The construction of Veterinary Polyclinic by Animal Husbandry Department started on receipt of enter upon permission by District Collector in Pro.Roc.No.B1/E-320165/2022, Dt. 26.04.2023. The approval of enter upon for transfer of land was issued as there was No 2c/Ijara trees, No



precious trees, No Ancient Monuments and No Mineral resources in the proposed site of construction of Veterinary Polyclinic. Also declared that AI notice was advertised to the concern village as on 20.02.2022 and No Objection was received from the Public and Local residents. Only the petitioners adjacent to the proposed site who illegally encroached the Government poramboke land protested before the construction. But since Revenue Officials warned them that the protesters had illegally encroached the Government Poramboke land and action would be taken against them for encroachments, they withdrew their protest. So Revenue Officials never gave any false assurance as the petitioners had mentioned.

PRESENT STATUS OF VETERINARY POLYCLINIC NEW BUILDING

90% of construction work is completed. Plastering work is completed. Interior work, electric work and painting work are going on. Compound wall is constructed 358P/7 partial area was encroached by some of the people in the nearby locality who are the petitioners for a longer period of time to park their vehicles and dumping garbage.

Sub-divisioned details of Survey No.358P/5



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Before subdivision			After subdivision		
S.No.	Area (Hector)	Classification	S.No.	Area (Hector)	Classification
358 P/5	0.72.0	Government Porambokku Panchayat Union Hostel	358 P/5	0.53.0	Government Porakbokku (Panchayat Union Middle School)
			358 P/7	0.13.0	Government Porambokku (Animal Husbandry Department Veterinary Polyclinic)
			358 P/8	0.06.0	Government Porambokku (Panchayat Union Middle School)

7. The respondents could establish that the compound wall for Government Veterinary Hospital is being constructed under the Government Poramboke land and further, the Revenue Authorities found that the petitioners are encroachers of Government poramboke land.

8. When the Government Poramboke lands are required for public purposes, then encroachers are to be evicted by following the



procedures as contemplated under Tamil Nadu Land Encroachments Act, 1905.

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9. In the present case, the land is required for construction of compound wall for Veterinary Hospital in that locality. Therefore, the encroachers are to be removed by following the procedures as contemplated under the Act.

10. In this context, once the Authorities have ascertained that Government Poramboke lands are required for public purposes, they are duty bound to evict the encroachers by invoking Land Encroachments Act. In this regard, the procedures as contemplated under Sections 6 and 7 of the Act, are to be scrupulously followed.

11. Since the petitioners have not established any right in respect of the relief, as such, sought for in the present writ petition, this Court is not required to consider the present writ petition. Consequently, the



present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

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05-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

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Sathuvachari,
Vellore District-632 009.
- 2.The Director,
Veterinary Department,
Chennai-600 035.
- 3.The Joint Director,



WP No.2882 of 2



Veterinary Department,
Vellore-632 004.

4.The Revenue Division Officer,
RDO Office,
Sathuvachari,
Vellore District-632 009.

5.The Tahsildar,
Vellore Taluk Office,
Vellore-632 001.

S.M.SUBRAMANIAM, J.

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WP No.2882 of 2



WP 2882 of 2024

05-04-2024