



W.P.No.5553 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5553 of 2022

Chelladurai

.. Petitioner

Vs.

1. The District Collector
Collectorate Buildings
Namakkal.
2. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Namakkal.
3. The Executive Engineer
Public Works Department
Namakkal.
4. The Tahsildhar
Office of Tahsildhar
Sendamangalam.
5. C.Ganesan
6. C.Natesan

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 3rd respondent to consider the representation of the petitioner dated 04.10.2021 for removal of encroachment made in Kaavakarankuttai Pond situated in S.F.No.248 to an extent of 27.65 Acres of Pudukkottai Village, Sendamangalam Taluk, Namakkal District within the stipulated time as that may be fixed by this Hon'able Court.

For the Petitioner : Mr.N.Umapathi

For the Respondents : Mr.C.Kathiravan
Special Government Pleader
for Respondents 1 to 4

No appearance
for Respondents 5 & 6

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.N.Umapathi, learned counsel for the petitioner and Mr.C.Kathiravan, learned Special Government Pleader for the respondents 1 to 4.

2. On the last date, we had recorded the statement of learned Special Government Pleader that no encroachment exists in the subject land. The same was based on the report of the Tahsildar dated



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3. Learned counsel for the petitioner, on instructions, submits that still the bund erected by the respondents 5 and 6 exists and the same has not been removed.

4. We cannot decide the disputed questions of fact. If the encroachment exists on a kuttai land, it is the duty of the State authorities to remove the encroachment. The respondent authorities may conduct a survey preferably within four months from today and depending upon the report of survey, further steps may be undertaken.

5. The writ petition is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

21.03.2024

Index : Yes/No
Neutral Citation : Yes/No
kpl



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

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