



W.P.No.8669 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

**THE HONONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONONOURABLE MR. JUSTICE P.DHANABAL**

**W.P.No.8669 of 2021
and
W.M.P.Nos.9207 & 9209 of 2021**

1. R.Kannu
S/o Ramagounder

2. Rajakumari,
W/o Rajamanickam

...Petitioners

Vs.

1. The District Collector,
Collector Office,
Tiruvannamalai District - 606 604

2. The District Revenue Officer,
Collector Office,
Tiruvannamalai District - 606 604

3. The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai Division,
Tiruvannamalai and District - 606 601

4. The Tahsildar,
Tahsildar Office,



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Thandarampattu Taluk,
Tiruvannamalai District - 606 607

5. The Secretary,
Revenue Department, Secretariat,
Namakkal Kavingar Maaligai,
Kottai, Chennai.
 6. The Secretary,
Public Works Department,
Road & Public Works Department,
Secretariat,
Namakkal Kavingar Maaligai,
Kottai,
Chennai.
 7. Mr.Patchaiyappa Gounder,
S/o Mannu Gounder
 8. Mr.Selvam,
S/o Late Subramani
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st to 6th respondents to consider the petitioners representations dated 23.01.2021 by forbearing the 1st to 4th respondents from issue patta to the encroached land in Pathai Poromboke in Survey No.318 and subsequently, direct the 1st to 4th respondent to remove the encroachment put up by the 7th and 8th respondent, the encroachers in the land comprised in Pathai Poromboke in Survey No.318 and thereby revive the said Pathai Poromboke in Survey No.318, as per 'A' Register of Village Administrative Officer, Perungulathur Village, Thandarampattu Taluk, Tiruvannamalai District.

For Petitioners : Ms.P.Priyanka



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: Mr.A.Selvendran,
Special Government Pleader
for R1 to R6
Mr.V.S.Nandha
for Mr.P.Vasanth for R7 & R8

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

The writ petition has been filed for issuance of Writ of Mandamus to direct the 1st to 6th respondents to consider the petitioners representations dated 23.01.2021 by forbearing the 1st to 4th respondents from issue patta to the encroached land in Pathai Poromboke in Survey No.318 and subsequently, direct the 1st to 4th respondent to remove the encroachment put up by the 7th and 8th respondent, the encroachers in the land comprised in Pathai Poromboke in Survey No.318 and thereby revive the said Pathai Poromboke in Survey No.318, as per 'A' Register of Village Administrative Officer, Perungulathur Village, Thandarampattu Taluk, Tiruvannamalai District.

2. The case of the petitioners is that the petitioners are the absolute owners of the land comprised in Survey Nos.91/6A1 & 91/6A3 vide Settlement Deed. The adjacent to the land of the petitioners, Survey



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No.318, having an extent of 01.11.50 hectare of the poromboke land is located, which is classified as "Pathai Poromboke" (called as pathway) in 'A' register of Village Administrative Officer, Perungulathur Village, Thandarampattu Taluk, Tiruvannamalai District. The said Pathai Poromboke has been encroached by the 7th and 8th respondents and they constructed the dwelling house. Due to the above said construction in Survey No.318, the petitioners are struggling hard to ingress and egress of vehicles, which carries the agricultural commodities. Further, it causes hardship and inconvenience to the general public also who access the said pathway. It was put to understand that the 1st to 4th respondents are taking steps to issue patta to the 7th and 8th respondents, the encroachers. The petitioners have made representations dated 23.01.2021 to forbear the 1st to 4th respondents from issue patta to the encroachers, viz., 7th and 8th respondents, but no order has been passed on the same till date. Hence, the present writ petition seeking a direction to dispose of the said representations.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the 1st to 6th respondents, the learned



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counsel appearing for the 7th and 8th respondents and perused the materials available on record.

4. Considering the limited prayer sought for in this Writ Petition, we are not expressing any view on the rival contentions of the parties. The representations made by the petitioners are still pending with the 1st to 6th respondents and no order has been passed on the same till date. Therefore, without expressing any view on the merits of the claim made by the respective parties, this Writ Petition is disposed of, only by directing the 1st to 4th respondents to pass orders on the petitioners' representations dated 23.01.2021 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The 1st to 4th respondents shall also give an opportunity of personal hearing to the petitioners, 7th and 8th respondents as well as the rival claimants, if any, before passing the order. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B,J.) (P.D.B., J.)
29.04.2024

Index : Yes / No
Internet : Yes
vsi



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