



W.P.No.7355 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM:

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

W.P.No.7355 of 2020

A.Arokkiyasamy

.... Petitioner

Vs

1.The Secretary to Government,  
Rural Development and Panchayat Raj Department,  
Tamil Nadu Secretariat,  
Chennai - 600 009.

2.The District Collector.  
Tiruvannamalai District,  
Collectorate, Vengikkal,  
Tiruvannamalai - 606 604.

3.The Tahsildar, Vandavasi Taluk,  
Kottai Moolai, Vandavasi,  
Tiruvannamalai – 604 408.

4.The President  
Kizh - Villivallam Panchayat,  
Throwpathy Amman Kovil Opposite,  
Vandavasi Taluk,  
Tiruvannamalai – 604 408.

5.P.Rajendran

.... Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India  
praying for the issuance of a Writ of Mandamus, to direct the respondents



W.P.No.7355 of 2020

1 to 4 to take necessary steps to measure and point out field boundary line for the schedule mentioned property and to remove the erections, buildings and constructions made by the Government in the patta land more fully described in the schedule.

|                |                                                 |
|----------------|-------------------------------------------------|
| For Petitioner | : Mr.Veangai I.Prakash Raj                      |
| For R1 to R3   | : Mr.C.Kathiravan<br>Special Government Pleader |
| For R4         | : Mr.E.Balamurugan                              |
| For R5         | : Mr.M.R.Jothimanian                            |

### **ORDER**

This Writ Petition has been filed for a direction, directing the respondents to take necessary steps to measure and point out field boundary line for the schedule mentioned property and also to remove the erections, buildings and constructions made by the Government in the patta land.

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

3. The petitioner's father owned a property to an extent of 1.09 acres comprised in survey No.3/2 under Patta No.407 situated at Kizh-Villivallam Village, Kizh-Villivallam Panchayat, Thellar Panchayat Union, Vandavasi Taluk. Subsequently, the said property was sold out in



W.P.No.7355 of 2020

favour of Revern Father M.Rayappan by a Sale Deed dated 17.08.1979.

The petitioner had entered into a lease with the said Revern Father M.Rayappan for cultivating the subject land. Thereafter, the petitioner also purchased the subject property by a registered Sale Deed dated 06.11.2015 vide Document No.4134 of 2015 from the said Revern Father M.Rayappan. While being so, the fifth respondent encroached some portion of the subject property in order to put up a house under the Chief Minister Solar Powered Green House Scheme. That apart, 10 houses were also constructed under the said scheme. Therefore, the petitioner applied for survey the land. However, so far no survey was conducted.

4. A perusal of the counter filed by the second respondent reveals that the land of the petitioner was not sought to be acquired for any purpose. There is no proposal to acquire or take the land of the petitioner for any other public purposes. That apart, the respondents 1 to 4 have not made any encroachment over the subject property. Further, on written instructions from the fourth respondent and submission made by the learned counsel for the fourth respondent reveals that a play ground has been formed in survey No.4/1E admeasuring 0.085.5 ares of



W.P.No.7355 of 2020

land as certified by the fourth respondent. No school ground has been formed in the land comprised in survey No.3/2A and 3/2C. If at all any encroachment alleged to be made by the fifth respondent, the petitioner ought to have approached the Civil Court for appropriate relief as against the fifth respondent.

5. Insofar as the survey of land is concerned, if the petitioner paid requisite fees for survey the patta land, the third respondent is directed to consider the said application and survey the petitioner's patta land in accordance with law.

6. With the above direction, this writ petition stands disposed of. No costs.

19.09.2024

Internet: Yes  
Index : Yes/No  
Speaking/Non Speaking order  
Lpp

To

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Rural Development and Panchayat Raj Department,  
Tamil Nadu Secretariat,



W.P.No.7355 of 2020

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**G.K.ILANTHIRAIYAN. J.**

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W.P.No.7355 of 2020

W.P.No.7355 of 2020

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