



W.P.No.7579 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7579 of 2024

S.Karunanidhi

.. Petitioner

Vs.

1. The District Collector
Kancheepuram District, Kancheepuram.
2. The Revenue Divisional Officer
Kancheepuram District, Kancheepuram.
3. The Tahsildar
Kundrathur Taluk Office
Kundrathur, Chennai – 600 069.
4. The Village Administrative Officer
Sikkarayapuram Village
Chennai – 600 069.
5. The Inspector of Police
Mangadu Police Station
Chennai – 600 122.

6. S.Karthikeyan

.. Respondents

Page 1 of 5



W.P.No.7579 of 2024

WEB COPY

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents to consider and dispose of the petitioner's representation dated 20.02.2024 to remove the illegal encroachment in public road at 5th street, Mookambigai Nagar, Sikkarayapuram, Kundrathur, Chennai – 600 059 and cancel the alleged patta vide No.1658 issued by Kundrathur Taluk Office and to retrieve the public road from the clutches of the said S.Karthikeyan.

For the Petitioner : Mr.G.V.Sridharan

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

Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.Sylvester john
for R5

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.G.V.Sridharan, learned counsel for the petitioner, Mr.C.Kathiravan, learned Special Government Pleader for respondents 1 to 4 and Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.Sylvester John, learned counsel for respondent 5.

2. Learned counsel for the petitioner submits that on the public street, encroachment has been made by the sixth respondent. The



W.P.No.7579 of 2024

WEB COPY

said road exists for more than three decades.

3. The petitioner has stated in the petition that patta has been issued in favour of the sixth respondent. If patta is already issued, the provisions of the Tamil Nadu Land Encroachment Act, 1905 would not apply. The appeal provision exists for challenging the patta issued under the Tamil Nadu Patta Passbook Act, 1983. The aggrieved person may avail the remedy as may be permissible in law. In that event, all contentions of the respective parties are kept open.

4. The writ petition, as such, stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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WEB COPY

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WEB COPY



W.P.No.7579 of 2024

THE HON'BLE CHIEF JUSTICE
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W.P.No.7579 of 2024

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