



WEB COPY



W.P.No.7678 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.7678 of 2019

1.Subramani
2.Palani

... Petitioners

Vs.

1.The Government of Tamilnadu,
Rep. by its Secretary to Government,
Municipal Administrative Department,
Government of Tamilnadu,
Fort St.George,
Chennai – 600 009.

(R1 deleted *vide* Order dated 10.06.2019 made in
W.M.P.No.15325/2019 in W.P.7678/19 by CJ & MDJ)

2.The District Collector,
Vellore District.

3.The Tahsildar,
Vellore Taluk,
Vellore District.

4.R.Mohan
5.R.Kadhiravan

Page No.1 of 6



W.P.No.7678 of 2019

6.Jeevarathinam

7.Parthasarathi

8.The Block Development Officer,

Kaniyambadi Union,

Vellore District – 632 011.

... Respondents

(R-8 impleaded *vide* order dated 04.07.2019,

made in W.M.P.No.18523 of 2019 in W.P.No.7678 of 2019

by CJ & MDJ)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments on public Road, situated in Eastern side to Western Side, measuring 12 ft width, and water drainage channel measuring 3 ft width out of a total extent of 3,200 sq.meters of Grama Natham land, in Survey No.283/244, in Arcottonkudisai Village, Munjurpet Post, Vellore Taluk and Vellore District and restore the said site to its original position at the cost of the respondents 4 to 7.

For Petitioners

: Mr.G.Mutharasu

For R1

: Deleted *vide* Court order dated
14.10.2019

For R2 & R3 and R8

: Mr.A.Selvendran
Special Government Pleader

For R4 to R7

: Mr.P.Dineshkumar



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W.P.No.7678 of 2019

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of mandamus has been instituted to direct the respondents 1 to 3 to remove the encroachments on public Road, situated in Eastern side to Western Side, measuring 12 ft width, and water drainage channel measuring 3 ft width out of a total extent of 3,200 sq.meters of Grama Natham land, in Survey No.283/244, in Arcottonkudisai Village, Munjurpet Post, Vellore Taluk and Vellore District and restore the said site to its original position at the cost of the respondents 4 to 7.

2. The Tahsildar, Vellore in his letter dated 11.09.2019 has stated that the public road has been encroached upon by the 4th to 7th respondents. A portion of the road is classified as Sewage Canal, which was encroached upon.

3. The encroachments are identified by the Tahsildar, Vellore in the year 2019 itself. If any further encroachments are made that also to be



W.P.No.7678 of 2019

identified and all such encroachments on the public road are directed to be removed. The road in its original condition as stated in the Report dated 11.09.2019, is to be restored for public use.

4. Therefore, the respondents 2 and 3 are directed to issue notice to the encroachers and on receipt of any objections, take a decision and pass appropriate order after identifying the encroachments and remove all such encroachments, thereafter. The entire exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S.J.] [K.R.S.J.]
15.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda



W.P.No.7678 of 2019

To

1.The District Collector,
Vellore District.

2.The Tahsildar,
Vellore Taluk,
Vellore District.

3.The Block Development Officer,
Kaniyambadi Union,
Vellore District – 632 011.



WEB COPY



W.P.No.7678 of 2019

S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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Order in
W.P.No.7678 of 2019

15.03.2024
(2/2)