



W.P.No.10086 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.10086 of 2021

P.Deepak
S/o.Pannagasayanam

... Petitioner

Vs.

1. The District Collector
District Collector Office
GST Road,
Chengalpet.
2. The District Revenue Officer
Chengalpet District.
3. The Tahsildar
Thiruporur Tahsildar Office
Thandalam
Chengalpattu - 603 105.
4. The Block Development Officer
Thiruporur Tahsildar Office
Thandalam
Chengalpattu - 603 105.

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5. Shiva

6. Vijay

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the 1st and 2nd respondents to remove the illegal encroachment of the 61 feet public road situated on the Southern side of the petitioner's property at Survey No.226/2B2, Thaiyur "A" Village, Thiruporur on the basis of the petitioner's representations dated 07.09.2020, 21.09.2020 and 09.11.2020.

For Petitioner : Mr.Sharath Chandran
For Respondents : Mr.Vadivelu Deenadayalan
Additional Government Pleader
for R1 to R3
Mr.M.Elumalai, for R4
Mr.V.Chandrakanthan, for R5 & R6

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ petition' {hereinafter 'WP' for the sake of brevity} pertains to alleged encroachment in S.No.228 in 'No.46 Tahiyur A (தையூர்) Village, Tiruporur Taluk, Chengalpet District' {hereinafter 'said land' for the



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sake of brevity}.

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2. There is a lone writ petitioner and there are six respondents.

3. Mr.Sharath Chandran, learned counsel on record for writ petitioner, Mr.Vadivelu Deenadayalan, learned Additional Government Pleader for R1 to R3, Mr.M.Elumalai, learned counsel for R4 and Mr.V.Chandrakanthan, learned counsel for R5 and R6 (to be noted, R5 and R6 are private respondents) are before us.

4. This means that all parties to the writ petition are represented by counsel and they are before us.

5. Learned counsel for writ petitioner, adverting to a photocopy of 'A Register' points out that said land has been classified as 'வண்டி பாதை' {Cart Track}.

6. Learned counsel also submits that writ petitioner has sent a complaint regarding alleged encroachment to Hon'ble Chief Minister Special Cell and response therefrom shows that there is encroachment in said land. A downloaded copy of response from Hon'ble Chief Minister Special Cell has also placed before us.



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7. Mr.Vadivelu Deenadayalan, learned Additional Government Pleader for R1 to R3, on written instructions from R3 submits that said land was inspected and encroachment has been found. Mr.M.Elumalai, learned counsel for R4 submits that R4 will stand bound by orders of this Court. As regards R5 and R6 (according to writ petitioner, R5 and R6 are alleged encroachers) an interesting scenario unfurls. R5 and R6 have filed a common counter affidavit dated 13.06.2021 and in this counter affidavit it has been averred that there are encroachments in three other survey numbers also (besides said land) viz., S.Nos.54/1, 85/3B and 227 and that all encroachments have to be removed.

8. Mr.Chandrakanth, learned counsel reiterating the averments in the counter affidavit submits that all four survey numbers can be surveyed and encroachments can be removed. For the sake of clarity and specificity, we deem it appropriate to extract and reproduce paragraph No.14 of the common counter affidavit of R5 and R6 dated 13.06.2021 and the same reads as follows:

'14. I submit that the writ petition filed by the petitioner is motivated and attempting to encroach the property in S.No.228 and continue the illegal activity by filing the above writ petition. I submit



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that this Hon'ble Court may be pleased to direct the respondents 1 to 4 to survey the land in S.Nos.54/1, 85/3B, 227 and 228 and remove the encroachments made by the Galaxy Green Paradise, the petitioner and others as per representation made by the villagers and the respondents 5 and 6 on 13.03.2020, 03.06.2020, 13.06.2020 and 05.08.2020'.

9. In the light of the stated position of parties, the legal drill before us becomes a fairly simple exercise.

10. We direct the third respondent (under the supervision of respondents 1 and 2 and with the aid and assistance of all concerned in the Hierarchy) to survey, localize encroachments in all four aforementioned survey numbers namely, S.Nos.54/1, 85/3B, 227 and 228 (said land) all in No.46 Tahiyur A (தையூர்) Village, Tiruporur Taluk, Chengalpet District, remove encroachments after putting on notice encroachers (if there are others other than R5 and R6) and complete the exercise as expeditiously as the business of R3 would permit but in any event, within 12 weeks from today i.e., by 29.01.2025. We make it clear that we have not expressed any view or opinion about the alleged encroachments, if any by encroachers other than R5 and R6. This means that all rights and contentions of other



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encroachers, if any will remain preserved when action is initiated.

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11. Though captioned WP is disposed of, considering the nature of the matter by way of post-script, we would be requisitioning a compliance report from R1 [The District Collector, Chengalpet District].

12. Captioned WP is disposed of in the aforesaid manner with the aforesaid directives and observations. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

07.11.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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P.S. I: *Upload forthwith*

P.S.II : *All concerned to act forthwith on the uploaded soft copy of this proceedings as uploaded in the official website of this Court. To be noted, the soft copies uploaded in the official website of this Court are water marked, besides being QR Coded.*

P.S.III : *Though captioned WP is disposed of, Registry to list the captioned WP under the cause list caption 'FOR COMPLIANCE REPORT' on 05.02.2025.*

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and
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