



WEB COPY



W.P.No.9007 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.9007 of 2020

Alangudi Village Panchayat,
Rep. by its President,
A. M. Mohan.

... Petitioner

Vs.

1. The Secretary to Government of Tamil Nadu,
Department of Revenue,
Fort.St.George, Chennai-9.

2. The District Collector,
Thiruvarur District,
Thiruvarur.

3. The Additional District Collector (Development),
District Rural Development Agency,
Thiruvarur District.

4. The Superintendent of Police
Thiruvarur District,
Thiruvarur

5. The block Development Officer
Village Panchayats,
Valangaianaman Taluk,
Tiruvarur District.



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6. The Thasildar,
Valangaiaman Taluk,
Thiruvarur District.

7. The Inspector of Police
Valangaiman Police Station,
Valangaiman Town and Taluk,
Tiruvarur District.

8. R.Chandramohan

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 6th Respondent in Survey the lands in Survey No 45/20 and 45/18, at Alangudi village, Valangaiman taluk, Tiruvarur District consequently, remove the encroachments made on the Brahma Theertham alias Chakra Theertham (Pond) in Survey No. 45/20 and on the Government Porambhoke Paathai in Survey No. 45/18 at Alangudi village by the 6th Respondent and direct the 7th Respondent to give police protection for survey and removal of encroachments.

For Petitioner : Mr.S.Sathiaselvan

For Respondents : Mr.A.Selvendran,
Special Government Pleader,
(for R1 to R7);

Mr.Navaneetha Krishnan,
Senior Counsel,for
Mr.I.David Singh (for R8);



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ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The writ of mandamus has been instituted to direct the 6th respondent Tahsildar to survey the subject lands and remove the encroachments from Brahma Theertham alias Chakra Theertham (Pond) and on the Government Poramboke Paathai.

2. Learned counsel for the petitioner Mr.S.Sathiaseelan would submit that the encroachments are made both in water bodies and Government poramboke lands. Thus, the Alangudi Village Panchayat President has filed the present writ petition for removal of the encroachment. The learned counsel would further submit that the report of the Tahsildar would submit that encroachments exist and actions are to be initiated.

3. The learned counsel Mr.Navaneetha Krishnan, appearing on behalf of the 8th respondent would submit that notice was issued under Section 7 of the Land Encroachment Act and the 8th respondent submitted his objections and an order under Section 6 was passed. Thereafter, the 8th respondent preferred an appeal under Section 10 of the Land



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Encroachment Act on 06.10.2020, before the District Collector which is pending.

4. Since a statutory appeal filed by the alleged encroachers under Section 10 of the Land Encroachment Act is pending before the District Collector, we direct the District Collector Thiruvavur to conduct an inquiry by affording opportunities to all the parties and thereafter, pass final orders within a period of 8 weeks from the date of receipt of a copy of this order. If any encroachment is identified, then all such encroachments are directed to be removed thereafter.

5. The petitioner is directed to send one more copy of the appeal to the District Collector, Thiruvavur along with the order passed in the writ petition.

6. With these directions, the writ petition stands disposed off. However, there shall be no order as to costs.

(S.M.S.J.,)

(K.R.S.J.,)

19.03.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

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