



W.P.No.10515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.10515 of 2024

I.Arikarasuthan

.. Petitioner

Vs.

1. State of Tamil Nadu
Rep. by its Secretary to Government
Department of Home Affairs
St. George Town, Chennai – 600 009.
2. The District Collector
District Collector Office
Villupuram, Villupuram District.
3. The Tahsildar
Marakkanam Taluk Office
Marakkanam.
4. The Board Development Officer
Marakkanam Development Office
Marakkanam, Villupuram District.
5. The Inspector of Police
Marakkanam Police Station
Marakkanam, Villupuram District.



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6. Jayamurthi
7. Ramachandran
8. Aagaabaram
9. Kalaivannan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents to consider the representation dated 09.12.2021 and direct the respondent Nos.1 to 5 to remove the encroachment village pathway at Thazhangadu Village S.No.139/10 to install the electricity lamp post in the village pathway.

For the Petitioner : Mr.S.Vellidoss

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by Mr.P.Harish
Government Advocate
for R1 to R3

Mr.T.K.Saravanan
Government Advocate
for R4

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.S.Vellidoss, learned counsel for the petitioner, Mr.A.Edwin Prabakar, learned State Government Pleader assisted by Mr.P.Harish, learned Government Advocate for respondent Nos.1 to 3 and Mr.T.K.Saravanan, learned Government Advocate for respondent No.4.

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2. The present writ petition is filed seeking directions against respondent Nos.1 to 5 to remove the encroachment from the land in S.No.139/10.

3. Learned counsel for the petitioner submits that the Tahsildar has given a report stating that the land in S.No.139/10 is a Government Cart Track and the trees are to be removed for installing electric poles and street lights, however, respondent Nos.6 to 9 have encroached upon the said land.

4. Learned State Government Pleader points out that the said land in S.No.139/10 is a patta land and the patta stands in favour of individuals.

5. The petitioner cannot file such a public interest litigation without verifying all the facts. The Government also cannot take action under the provisions of the Tamil Nadu Land Encroachment Act, 1905, in respect of patta properties and if issuance of patta is to be



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challenged, remedy is available for filing an appeal under the provisions of the Tamil Nadu Patta Passbook Act, 1983.

6. The present writ petition does not appear to be *bonafide*. The writ petition, accordingly, stands dismissed. There shall be no orders as to costs.

(S.V.G., C.J.)

(J.S.N.P., J.)

18.04.2024

Index : Yes/No
Neutral Citation : Yes/No

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4. The Board Development Officer
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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

(drm)

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