



WEB COPY



W.P.No.10690 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

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

W.P.No.10690 of 2020
and
W.M.P.No.12179 of 2020

M.Palaniappan
K.Subramani

... Petitioners

Vs.

- 1.The District Revenue Officer,
O/o The District Revenue Officer,
Namakkal.
- 2.The Block Development Officer (Ki.Voo)
Kapilarmalai,
Namakkal.
- 3.The Tahsildar,
Taluk Office,
Paramathivellore.
- 4.The Revenue Divisional Officer,
Thiruchengode.
- 5.The Assistant Engineer (Panchayats),
Namakkal.
- 6.Periyasamy



W.P.No.10690 of 2020

7.Ramasamy

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent in the impugned order in Mu.Mu.No.30434/2019/L5 dated 27.06.2020 with respect to our premises and trees at Survey Nos.81/1, 81/2A, 81/2B, 81/3A, 79/1 and 292/26, Kurumbalamahadevi Village, Paramathivellore Taluk, Namakkal District quash the same and further direct the respondents from interfering with peaceful possession and enjoyment of our premises and trees at Survey Nos.81/1, 81/2A, 81/2B, 81/3A, 79/1 and 292/26, Kurumbalamahadevi Village, Paramathivellore Taluk, Namakkal District.

For Petitioners	: Mr.Abrar md Abdullah
For R1 to R5	: Mr.A.Selvendran Special Government Pleader
For R6 & R7	: Mr.L.Mouli

ORDER

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

The proceedings of the District Revenue Officer, Namakkal dated 27.06.2020 issued based on the order of this Court dated 21.10.2019 in W.P.No.29920 of 2019 is under challenge in the present writ proceedings.

2. This Court passed an order in the above writ petition directing the Authorities to consider the representation submitted by the writ petitioner in the said writ petition dated 29.07.2019. Considering the representation, the order impugned dated 27.06.2020 was passed stating that there are some



W.P.No.10690 of 2020

encroachments in the 'pathway'. However, there is no order of eviction issued by the District Revenue Officer.

3. Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of the respondents 1 to 5 submitted that the said order shall be construed as a Report and all further actions are to be initiated by following the procedures as contemplated under the relevant Act and Rules.

4. Learned Counsel for the petitioners also submitted that there is no encroachment as such. The unilateral decision taken by the District Revenue Officer is to be set aside. No survey was properly conducted. Thus, the writ petition is to be allowed.

5. Learned Counsel for the 6th and 7th respondent would oppose by stating that the District Revenue Officer conducted a survey and submitted a Report and such a report cannot be subjected to a writ petition.

6. Perusal of the order dated 27.06.2020 reveals that no final



W.P.No.10690 of 2020

decision had been taken to remove the encroachments. However, there is a finding that there are encroachments.

7. In view of the facts and circumstances, the Official respondents are directed to conduct a fresh survey and identify the encroachments in the public road/pathway or in Government lands/Highways lands and thereafter issue a notice to the encroachers if any and by following the procedures remove the encroachments in accordance with the relevant Act and Rules in force. The entire exercise is directed to be conducted within a period of twelve weeks from the date of receipt of a copy of this order.

8. With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[K.R.S.J.]

[S.M.S.J.]

21.03.2024
(3/3)

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

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S.M.SUBRAMANIAM,J.



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