



WEB COPY



W.P. No.13283 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM:
THE HON'BLE MR. JUSTICE S. VAIDYANATHAN
and
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.13283 of 2019 and W.M.P. No.13389 of 2019

P. Venkatesan

Petitioner

v

1 The District Collector
Kancheepuram District
Kancheepuram

2 The Block Development Officer
Thirupporur
Kancheepuram District

3 Fayaz Ahmed

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to immediately remove the stones laid for fencing the public road and protect the land in S.No.165/2B in Thalambur Village, Tirupporur Taluk, Kancheepuram District, from any future encroachment by any person.

For petitioner

Mr. M. Vaidhiyanathan

For RR 1 & 2

Mr. A. Selvendran
Special Government Pleader



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ORDER

(made by S. VAIDYANATHAN, J.)

The petitioner seeks a writ of mandamus directing the official respondents to immediately remove the stones laid by the third respondent for fencing the public road and protect the land in S.No.165/2B in Thalambur Village, Tirupporur Taluk, Kancheepuram District, from any future encroachment by any person.

2 According to the petitioner, he is the absolute owner of the land in S.No.165/2A situated in 31, Thalambur Village, Chengalpattu Taluk, Kancheepuram District; the nearby road in S.No.165/2B, which is the subject matter of this writ petition, is a public road and the same is attempted to be encroached by the third respondent; in fact, the third respondent has already erected fencing stones along the boundary of the said land and is in the process of covering the land with barbed wire fencing; hence, this writ petition seeking the aforesaid relief.

3 On perusal of the photographs and also on hearing the rival contentions, it is as clear as the sky that there is encroachment. Further, the stance of the petitioner that the third respondent has erected fencing stones around the said Government land stands fortified by the photographs.



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4 Inasmuch as the land belongs to the Government, the fencing stones erected by the third respondent will have to be removed by the official respondents within a period of one month from the date of receipt of a copy of this order. Before parting with this matter, it is further directed that the Government shall ensure that no private person or body encroaches the public lands and squat on the same for years on end.

This writ petition stands disposed of with the above directions. Costs made easy. Connected W.M.P. stands closed.

(S.V.N., J.) (K.R.S., J.)
03.01.2024

cad

To

- 1 The District Collector
Kancheepuram District
Kancheepuram
- 2 The Block Development Officer
Thirupporur
Kancheepuram District



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S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

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