



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.11473 of 2020

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Petitioner

-VS-

- 1.The District Collector,
Office of the District Collector,
Kallakurichi District.
- 2.The District Revenue Officer,
O/o. The District Revenue Office,
Kallakurichi District.
- 3The Tahsildar,
O/o. The Tahsildar,
Tirukovilur Taluk,
Kallakurichi District.
- 4.The Village Administrative Officer,
O/o.The Village Administrative Office,
G-Ariyur, Tirukovilur Taluk,
Kallakurihi District.
- 5.The Block Development Officer,
Tirukovilur,
Kallakurichi District.



6.The Superintendent of Police,
Office of the Superintendent of Police,
Kallakurichi District.

7.The Inspector of Police,
Tirukovilur Police Station,
Kallakurichi District.

8.Pichaikaran

...

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the third respondent to remove the encroachment in connection with Survey No.191/10, 1st Street, G-Ariyur, Tirukovilur Taluk, Kallakurichi District-605 751, immediately.

For Petitioner : Mr.S.Kingston Jerold

For Respondents 1 to 4, 6 & 7 : Mr.J.Ravindran,
Addl. Advocate General,
assisted by
Mr.A.Selvendran,
Special Government Pleader.

For Respondent 5 : Mr.G.Rajesh

For Respondent 8 : No Appearance

ORDER

(By *S.Vaidyanathan,J.*)

Petitioner has come forward with this Writ Petition praying to direct third respondent to remove the encroachment in connection with Survey No.191/10, 1st Street, G-Ariyur, Tirukovilur Taluk, Kallakurichi District - 605 751, immediately.



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2. When the matter is taken up for hearing, Mr.A.Selvendran, Special Government Pleader, appearing for the respondents, has submitted that the authorities will conduct an inquiry in the matter, apart from spot survey.

3. Eighth respondent has filed a counter affidavit, stating that he has filed W.P.No.5777 of 2019 praying to forbear respondents 1 to 5 herein from forming any public road in the private Patta land in Survey No.191/10, which is used as the way of access to the Patta lands in Survey Nos.191/11, 191/12, 191/13 and 191/14 of Ariyur Village.

4. In view of the submission made by the learned Special Government Pleader, the respondent authorities are directed to conduct an inquiry in the matter, apart from spot survey, and, after hearing the parties concerned, take a decision within three months from the date of receipt of this order. If the matter is not concluded within the time stipulated, it is open for the aggrieved person to file contempt against the officials. It is for the Court to decide at that stage whether there is wilful and deliberate disobedience of the orders of this Court.

5. Writ Petition is disposed of accordingly. No costs.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
04-01-2024



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