



W.P.No.15795 of 2023

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second respondent to remove the encroachment made by the respondents 3 to 13 in Survey No.291A/2 from the northern side of the petitioner's property which was classified as "BATTAI" based on the petitioner's representation dated 05.05.2023.

For the Petitioner	: Mr.G.Pavendhan
For the Respondents	: Mr.A.Edwin Prabakar State Government Pleader for respondents 1 and 2
	: Mr.L.P.Shanmugasundaram for respondents 3 to 5 and 13
	: Mr.K.Rajendran for respondents 6 to 8, 10 to 12
	: No appearance for respondent No.9

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.G.Pavendhan, learned counsel for the petitioner; Mr.A.Edwin Prabakar, learned State Government Pleader for respondents 1 and 2; Mr.L.P.Shanmugasundaram, learned counsel for



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respondents 3 to 5 and 13; and, Mr.K.Rajendran, learned counsel for respondents 6 to 8, 10 to 12.

2. In the present writ petition, directions are sought to remove the encroachments made by respondents 3 to 13 in Survey No.291A/2 from the northern side of the petitioner's property.

3. According to learned counsels for respondents 3 to 13, they are residing on the writ site for more than 20 years and pattas are issued in favour of some of the respondents.

4. The second respondent has filed a status report. Paragraphs 6 to 8 of the status report read thus:

"6. I submit that the land in S.No.291A/1 was surveyed on 08.06.2023 in the presence of the petitioner, private respondent, Tahsildar, Polur, Head Surveyor, Polur, Firka, Surveyor, Santhavasal, Village Administrative Officer, Santhavasal Group, Revenue Inspector, Santhavasal. It was found that the remaining extent of 9.29.5 Hec which is classified as "BATTAI" was encroached by 10 person



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as follows:

<i>S.No.</i>	<i>Name of Encroacher</i>	<i>Classification</i>	<i>Extent of Encroachment (Ares)</i>	<i>Nature of Encroachment</i>
1	Kuppusamy S/o.Arumugam	BATTAI	0.00.86	Cow Shed
2	Ilayaperumal S/o.Vellai Pillai	BATTAI	0.00.43	House
3	Malliga W/o.Selva Nayudu	BATTAI	0.00.40	Vacant land
4	Vasu S/o.Raman	BATTAI	0.00.48	Vacant land
5	Krishnamoorthy S/o.Jayaramapillai	BATTAI	0.01.40	House and Vacant land
6	Manimala W/o.Krishnamoorthy	BATTAI	0.01.07	Cow Shed and Vacant land
7	Priya W/o.Saravanan	BATTAI	0.01.02	House and Vacant land
8	Muniyappan S/o.Krishnapillai	BATTAI	0.01.15	Cow Shed and Vacant land
9	Gnanasekaran S/o.Kannan	BATTAI	0.01.90	Vacant land
10	Muniyappan S/o.Krishnapillai	BATTAI	0.00.58	House

7. I submit that during the survey, it was found that the Petitioner has also encroached the said land in S.No.291A/1 to an extent of 3 cents by way of cultivation.

8. I submit that the said "Battai Poramboke" comes under the control of the local Authority and the Block



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Development Officer, Polur is the competent authority to issue Notice to the encroachers and remove the encroachments. I submit that action will be initiated in accordance with law."

5. Learned State Government Pleader submits that even the petitioner has encroached on the pathway.

6. The encroachment on the pathway or otherwise cannot be made.

7. It is stated that, on 8.6.2023, the survey was conducted by the authorities and Form-I was issued on 28.8.2023.

8. The respondent authorities may proceed in accordance with the provisions of law after issuing notices to the concerned persons inviting their objection/say. The respondent authorities shall consider the objection/say filed by the persons to whom notices are issued and thereafter take action in accordance with law.



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9. With these observations, the writ petition is disposed of.

There shall be no order as to costs.

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

(D.B.C., J.)

18.03.2024

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

1.The District Revenue Officer,
O/o. The District Revenue Office,
Thiruvannamalai District.

2.The Tahsildar,
Polur Taluk,
Thiruvannamalai District.



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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