



WP No.15772 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Jamuna Rani

.. Petitioner

-VS-

1. The Collector,
Office of the Collector,
Cuddalore District.

2. The Tahsildar,
Veppur Taluk, Cuddalore District.

3. Prabu Doss

4. Block Development Officer,
Panchayat Union Office, Nallur,
Cuddalore District.
(R-4 impleaded vide order dated.27.08.2019
in WMP No.24964 of 2019)

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to remove the unauthorized structure and construction being made by the third respondent in the public burial ground comprised in Survey No.64/7 of Sirunasalur Village, Veppur Taluk, Cuddalore District, measuring 60 cents or thereabouts.



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For the Petitioner : Mr.R.Manickavel
For the Respondents : Mr.P.Muthukumar,
State Government Pleader
for RR 1, 2 and 4
: Mr.T.Sivagnanasambandam for R-3

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.R.Manickavel, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, for respondent Nos.1, 2 and 4 and Mr.T.Sivagnanasambandam, learned counsel for respondent No.3.

2. According to the learned counsel for the petitioner, the subject land is a burial ground. Steps are not taken to remove the encroachment caused by respondent No.3.

3. The Tahsildar has filed a status report stating that eviction process under the provisions of Tamil Nadu Land Encroachment Act, 1905, would be undertaken.



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4. Respondent No.3 has filed a counter-affidavit and also placed the copy of the decree passed in O.S.No.1403 of 1994. In the said suit, the Collector and the Tahsildar were also parties. The decree appears to be an ex parte decree, wherein injunction has been granted in favour of the father of respondent No.3. The relief of declaration is also granted by the Civil Court thereby declaration of possessory title is given in favour of the father of respondent No.3.

5. In such circumstances, it is for the official respondents to take steps in accordance with law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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

(sra)

To

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3. The Block Development Officer,
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