



W.P.No.23849 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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1.G.Arivalagan

2.G.Anbalagan

.. Petitioners

Vs

1.The District Collector,
Ariyalur District.

2.The Director of Planning/Joint Director,
District Block Development Office,
Ariyalur District.

3.The Tahsildar,
Jayamkondam, Udayarpalayam Taluk,
Ariyalur District.

4.The Block Development Officer,
T.Palur Village, Udayarpalayam Taluk,
Ariyalur District.

5.The Inspector of Police,
T.Palur Village, Udayarpalayam Taluk,
Ariyalur District.

6.Sivaprakasan

7.Gandhi



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8.Ramachandran
9.Rajendran

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the second respondent in relation to the impugned order dated 7.12.2023 vide Na.Ka.No.A10/149/2023 along with the communication of the fourth respondent dated 27.10.2023 vide Na.Ka.No.A4/2804/2023 and quash the same as illegal and invalid and consequentially direct respondents 1 to 5 to measure the land in S.No.309/4 situate at Naduvalur (East) Village, Udayarpalayam Taluk, Ariyalur District, to remove all the encroachments made in the said lands.

For the Petitioners : Mr.T.S.Baskaran

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for respondents 1 to 4

: Mr.R.Muniyapparaj
Addl. Public Prosecutor
for respondent No.5

ORDER

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

The petitioners have filed this writ petition seeking issuance of a writ of certiorarified mandamus to call for the records of the second respondent in relation to the impugned order dated



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7.12.2023 vide Na.Ka.No.A10/149/2023 along with the communication of the fourth respondent dated 27.10.2023 vide Na.Ka.No.A4/2804/2023 and quash the same as illegal and invalid; and to consequently direct respondents 1 to 5 to measure the land in S.No.309/4 situated at Naduvalur (East) Village, Udayarpalayam Taluk, Ariyalur District, and remove all the encroachments made on the said lands.

2. Learned counsel for the petitioners submits that the representation sent by the petitioners to the respondent authorities was rejected by the fourth respondent vide proceedings dated 27.10.2023 observing that the pathway is a private property and the said order was confirmed by the second respondent vide proceedings dated 7.12.2023. According to learned counsel for the petitioners, the aforesaid finding is contrary to the revenue records, inasmuch as the land in Survey No.309/4 is classified as a Vandi Pathai. He, therefore, seeks to set aside the impugned orders.

3. Mr.A.Edwin Prabakar, learned State Government Pleader, on



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instructions, submitted that the respondent authorities shall conduct a survey of the writ subject land and, thereafter, take necessary action in accordance with law, if any encroachments are found.

4. Considering the fact that the representation of the petitioners has already been rejected by the authorities and that the respondent authorities are now inclined to conduct a survey and take necessary action in accordance with law, we are not going into the veracity or otherwise of the impugned orders. We dispose of the writ petition with a direction to the third respondent/Tahsildar to conduct a survey of the land in question with the assistance of the Surveyor, based on revenue records, and, if any encroachments are found, the respondent authorities are directed to proceed on merits and in accordance with law to remove the encroachments, of course after providing opportunity to all the parties concerned, including the private respondents. Such exercise shall be undertaken by the respondent authorities within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, W.M.P.No.26108 of 2024 is closed. Since the



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petitioners are siblings, W.M.P.No.26107 of 2024 filed to permit them to file a single writ petition is ordered.

(D.K.K., ACJ.) (P.B.B, J.)
20.08.2024

Index : Yes/No
NC : Yes/No
sasi

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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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