



WP.No.23216 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP.No.23216 of 2019

K.Ramalingam

Petitioner

Vs

1. The District Collector, Villupuram
2. The Sub Collector, Villupuram
3. The Tahsildar, Thirukkivilur, Villupuram
4. The Block Development Officer, Thiruvennainallur, Villupuram
5. Manikkannu
6. Manikandan
7. Singaram
8. Pitchaikkarar
9. Annamalai
10. Subramani
11. Kesavan
12. Parasuraman

Respondents

Prayer:- This Writ Petition is filed to issue a Writ of Mandamus, directing the Respondents 1 to 4, to take appropriate and necessary action to remove the encroachments in the Government lands comprised in S.Nos.215/6, 216/16, 217/1, and 220/11, at Arunkurukkai Village, Thirukkivilur Taluk, Villupuram based on the representation dated 05.02.2018 to the 1st respondent and repair the damaged road in the encroached lands and enable the road for the public usage of the people of A.Puthur and Arunkurukkai Village, Thirukkivilur Taluk Villupuram District.



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For Petitioners : Mr.N.Naganathan

For Respondents : Mr.A.Selvendran, SGP-RR1 to 3
Mr.Jayaprakash Narayanan-R4
Mr.R.Varuna Bharathi-R5

ORDER

(Order of the Court was delivered by S.Vaidyanathan, J.)

1. This Writ Petition is filed to issue a Writ of Mandamus, directing the Respondents 1 to 4, to take appropriate and necessary action to remove the encroachments in the Government lands comprised in S.Nos.215/6, 216/16, 217/1, and 220/11, at Arungkurukkai Village, Thirukkivilur Taluk, Villupuram based on the representation dated 05.02.2018 to the 1st respondent and repair the damaged road in the encroached lands and enable the road for the public usage of the people of A.Puthur and Arungkurukkai Village, Thirukkivilur Taluk Villupuram District.
2. This Court heard the learned counsel for the Petitioner and the learned Special Government Pleader for the Respondents 1 to 4 and the learned counsel for the Respondents 4 and 5 and considered their submissions carefully and also perused the materials placed on record.
3. According to the learned counsel for the Petitioner, the petition mentioned lands belonged to the Government and the road laid in the said land, which is a main pathway to go to schools and hospitals, is encroached by the respondents 5 to 12 and in spite of his representation sent to the official respondents to remove the encroachment, no action is taken so far and hence, this Writ Petition has been filed, with the prayer as stated above.



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4. It is stated by the learned Special Government Pleader that notice has been issued for removal of the alleged encroachment by the authorities concerned five years ago and that the lands comprised in S.Nos.215/6, 216/16 is a Government Odai and that cultivation is going on in the said lands and that after harvest, if there is any encroachment, it would be removed.
5. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is of the view that the lands belonged to the Government cannot be encroached by any one and hence, the Official Respondents are directed to conduct a detailed enquiry in respect of the alleged encroachment, as alleged by the Petitioner, after affording opportunity to all the parties concerned, including the ones, who are likely to be affected in the event of removal of alleged encroachment, by verifying all the connected revenue records and thereafter, take a decision with regard to the grievance of the Petitioner, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is also made clear that if any encroachment, as alleged by the Petitioners, is made out, the same needs to be removed, immediately after taking such a decision by the concerned Official Respondents.
6. With the above observations and directions, this Writ Petition is disposed of.
- No costs.

(S.V.N.J.) & (K.R.S.J.)
22.01.2024



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S.VAIDYANATHAN, J.
and
K.RAJASEKAR, J.

Srcm

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Srcm

To

1. The District Collector, Villupuram
2. The Sub Collector, Villupuram
3. The Tahsildar, Thirukkivilur, Villupuram
4. The Block Development Officer, Thiruvannainallur, Villupuram

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