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W.P.No.21551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.08.2024

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THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.21551 of 2024

S.Kuppan

... Petitioner

Vs.

1. The District Collector
Kancheepuram District
2. The Revenue Divisional Officer
Kundrathur Taluk
Kancheepuram District
3. The Tahsildar
Sriperumbudur Taluk
Sriperumbudur, Kancheepuram District
4. Durai
5. Santhiappan
6. Elumalai

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7. Babu

8. Venkatesan

9. Selvaraj

10. Dinesh

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 3 to consider petitioner representations dated 12.07.2019, 23.05.2022, 11.07.2022 and 11.03.2024 consequently direct the respondents 1 to 3 to remove the encroachments made by the respondents 4 to 10 in between S.No.558 to 559 in Sivankoil Kulakarai Street, Amarampedu, Kundrathur Taluk, Kancheepuram District.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.P.Balathandayutham
Spl.Govt.Pleader for R1 to R3

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

Captioned main 'Writ Petition' ['WP' for the sake of brevity] has been filed seeking a mandamus prayer qua the official respondents (R1 to R3) as regards writ petitioner's representations dated 12.07.2019, 23.05.2022, 11.07.2022 and 11.03.2024.

2. Mr.S.N.Subramani, learned counsel submits that there is

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encroachment in land adjoining 'S.No.558 and 559 in Amarampedu Village, Sriperumbudur Taluk, Kancheepuram District' [hereinafter 'said land' for the sake of convenience].

3. Learned counsel points out that jurisdictional Revenue Inspector conducted a survey and submitted a report dated 05.09.2019 bearing reference உ.மு.372/2019/வரு.ஆய்/திரும்ப to jurisdictional Tahsildar. In other words, the jurisdictional Revenue Inspector has submitted a report to R3.

4. It is the further case of the writ petitioner that pursuant to the aforementioned 05.09.2019 report of the jurisdictional Revenue Inspector, R3 had issued notice to as many as six individuals alleging encroachment. To be noted, these six individuals include some of the private respondents who have been arrayed as R4 to R10. It is submitted by writ petitioner that he lives in a superstructure put up in a patta land i.e., S.No.559/7.

5. Issue notice to official respondents i.e., issue notice regarding admission.

6. Mr.P.Balathandayutham, learned Special Government Pleader accepts notice for R1 to R3. Learned State counsel submits, on instructions,



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that after the aforementioned report of the jurisdictional Revenue Inspector dated 05.09.2019 and the notice issued by R3 to alleged encroachers being notice dated 29.10.2019, a further survey was conducted very recently (last month) and it was noticed that there are encroachments both in a Survey number which is classified as road (சாலை) as well as in another survey number which is classified as Natham. Learned State counsel also submits that jurisdictional Tahsildar is Tahsildar, Kundrathur whereas R3 is Tahsildar, Sriperumdur. Without getting into the question as to who is the jurisdictional Tahsildar, we deem it appropriate to stop with saying that reference to 'jurisdictional Tahsildar' is qua the land comprised in aforementioned survey numbers.

7. Learned State counsel submits that the proceedings will be carried to its logical end in accordance with law and that means that the encroachers irrespective of whether they are private respondents or not will be show-caused in accordance with law.

8. In the light of the stated position of learned State counsel, captioned WP stands descope or in other words, the scope of the captioned WP has dwindled vastly. In this view of the matter, with the consent of



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learned counsel on both sides, main WP was taken up and heard out in the admission Board.

9. We are acutely conscious that the private respondents, namely R4 to R10 are not before this Court and therefore, we would be putting in a safety valve as regards the private respondents.

10. In the light of the narrative thus far, we are of the considered view that it will suffice to record the stated position of learned State counsel and dispose of the captioned writ petition saying that the official respondents shall carry the survey and proposed proceedings for removal of alleged encroachment to its logical end in accordance with law. In accordance with law necessarily means that the alleged encroachers irrespective of whether they are private respondents in the captioned writ petition or not will be show-caused. In this regard, we make it clear that all the rights and contentions of the noticees are preserved and all questions are left open. This is the safety valve which have recorded and put in qua private respondents and other alleged encroachers.

11. Let the official respondents continue the proceedings that have been commenced and conclude the same as expeditiously as the official



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business of respondents would permit.

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Captioned WP disposed of in the aforesaid manner. Though obvious we make it clear that we have not expressed any view or opinion on the merits of the matter and therefore, the proposed removal of encroachment proceedings will proceed on its own merits and in accordance with law. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
02.08.2024

Index : Yes / No

Neutral Citation : Yes / No

gpa

To

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Kancheepuram District
2. The Revenue Divisional Officer
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Kancheepuram District
3. The Tahsildar
Sriperumbudur Taluk
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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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