



WEB COPY



W.P.No.25993 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM :

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

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.25993 of 2024 and

WMP No.28393 of 2024

Kandasamy @ Kandan

... Petitioner

Vs.

1. The District Collector, Namakkal,
Office of the District Collector,
Namakkal District. 637 003.

2. The Revenue Divisional Officer,
Namakkal Taluk, Namakkal District.

3. Block Development Officer,
Namakkal Panchayat Union,
Namakkal District.

4. The Tahsildar, Namakkal Taluk,
Namakkal District.

5. The President, Panchayat Union,
Vittamanaickenpatti Panchayat,
Namakkal District.

6. Karthika

... Respondents



W.P.No.25993 of 2024

PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking issuance of a writ of mandamus, directing the respondents 1 to 5 to conduct survey in S.Nos.62, 63, 65, 97, 98, 147, 107, 108, 111 situated at Vittamanaickenpatti Village, Vittamanaickenpatti Panhayat, Namakkal Taluk, Namakkal District using FMB sketch and also by considering the patta issued by the government in favour of the petitioner before initiating eviction proceedings in respect of the encroachment in S.No.107, 108, 111 situated at Vittamanaickenpatti Village, Vittamanaickenpatti Panchayat, Namakkal Taluk, Namakkal District.

For Petitioner : Mr.M.Jaikumar
For Respondents : Mr.A.Edwin Prabakar,
State Govt.Pleader

ORDER

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

The petitioner has filed the instant writ petition to direct the respondents 1 to 5 to conduct survey in S.Nos.62, 63, 65, 97, 98, 147, 107, 108, 111 situated at Vittamanaickenpatti Village, Vittamanaickenpatti



W.P.No.25993 of 2024

Panhayat, Namakkal Taluk, Namakkal District using FMB sketch and also by considering the patta issued by the government in favour of the petitioner before initiating eviction proceedings in respect of the encroachment in S.No.107, 108, 111 situated at Vittamanaickenpatti Village, Vittamanaickenpatti Panchayat, Namakkal Taluk, Namakkal District.

2. The learned State Government Pleader appearing for the respondents has placed a letter dated 09.09.2024 sent by the Tahsildar, Namakkal to the Government Advocate, along with the sketch, before this Court. In the said letter, it is stated that, at request of the villagers of Vittamanaickenpatti Village in their application dated 09.10.2023, survey was conducted on 31.10.2023 and it was found that the government poramboke lands in S.No.107, 108 and 111 were encroached and to remove the same, actions have been initiated. It is also stated that the petitioner himself has encroached the land, which is classified as 'Oodai', situated adjoining to his patta land by putting up a cement tank, and cement cardboards, however, he filed the present writ petition to conduct survey in the lands in survey No.62, 63, 65, 97, 98, 147, 107, 108 and 111. It is



W.P.No.25993 of 2024

further added that, survey work, as sought for in the writ petition is also under progress and report will be submitted to the authorities concerned for taking further action.

3. The learned State Government Pleader on instructions submitted that, the petitioner is in possession of the property in S.No.108/2, which is a patta land, but, the authorities concerned have initiated eviction process in respect of S.No.108/1 alone, which is classified as "Oodai".

4. The grievance of the petitioner is only in respect of S.No.108/2. Therefore, recording the submission made by the learned State Government Pleader, this writ petition is dismissed. There shall be no order as to costs. Connected WMP No.28393 of 2024 is closed.

(D.K.K., A.CJ.) (P.B.B.J.)

09.09.2024

Internet: Yes/No
Index : Yes/No
mst



W.P.No.25993 of 2024

To
WEB COPY

1. The District Collector, Namakkal,
Office of the District Collector,
Namakkal District. 637 003.
2. The Revenue Divisional Officer,
Namakkal Taluk, Namakkal District.
3. Block Development Officer,
Namakkal Panchayat Union,
Namakkal District.
4. The Tahsildar, Namakkal Taluk,
Namakkal District.
5. The President, Panchayat Union,
Vittamanaickenpatti Panchayat,
Namakkal District.



WEB COPY



W.P.No.25993 of 2024

THE HON'BLE ACTING CHIEF JUSTICE

and

P.B.BALAJI, J.

mst

W.P.No.25993 of 2024

09.09.2024