



WEB COPY



W.P.No.27421 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA ,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

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T.K.Theeransamy

.. Petitioner

Versus

1. The Tahsildar,
Tashildar Office,
Walajabad Taluk,
Kancheepuram District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Kancheepuram District.
3. The District Revenue Officer,
District Revenue Office,
Kancheepuram District.
4. The District Collector,
Collectorate Office,
Kancheepuram District.
5. K.Balakumar

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents 1 to 4 to remove the



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encroachment made by the 5th respondent in Survey No.72/41 on considering the petitioner's representations, dated 08.01.2022, 22.03.2022, 01.08.2022 and 05.09.2022.

For Petitioner : Mr.A.Kumar

For Respondents : Mr.A.Edwin Prabakar,
State Government Pleader for RR-1 to 4

: Mr.P.Dinesh Kumar, for R5

ORDER

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

Heard Mr.A.Kumar, learned Counsel for the petitioner; Mr.A.Edwin Prabakar, learned Government Advocate for the respondent Nos.1 to 4 and Mr.P.Dinesh Kumar, learned Counsel for the fifth respondent.

2. The petitioner is seeking direction against the respondent Nos.1 to 4 to remove the encroachment made by the fifth respondent in S.No.72/41, Thimmayanpettai village, Kancheepuram district upon considering his representations. According to the petitioner, the land in question is a natham land.

3. One V.Siva has filed an impleading petition wherein he has clarified that the panchayat has granted permission to construct ground floor + two floors vide planning permissions, dated 26.08.2021 and 13.07.2022.



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The electricity connection has also been granted. He has purchased the said property under the registered sale deed, dated 03.12.2020 from one Ram Kumar and S.Prakash. The said property is jointly developed by him along with the sixth respondent.

4. The petitioner claims to be a resident of Vaikkalmedu village, Kangeyam taluk, Tiruppur district, whereas, the alleged construction is at Thimmaianpet village, Walajabad taluk, Kancheepuram district. He claims to be a public activist. He could go to Thimmaianpet village to find out the alleged illegal construction. The date of permission granted for construction is also mentioned by the impleading applicant. In the present Writ Petition, the construction permission is not challenged. It is for the planning authority to consider whether the construction is authorized or otherwise. The Government officials are also parties to the Writ Petition and it is for them to consider whether the construction is authorized or otherwise.

5. This Writ Petition is accordingly dismissed. There shall be no order as to costs. Consequently, W.M.P.No.30583 of 2022 is closed.



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(S.V.G., CJ.)

(J.S.N.P., J.)

01.04.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Tahsildar,
Tahsildar Office,
Walajabad Taluk,
Kancheepuram District.
2. The Revenue Divisional Officer,
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**THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.**

grs

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