



WEB COPY



W.P.No.27173 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

CORAM:

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

AND

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

W.P.No.27173 of 2024 and
W.M.P.Nos.29677 to 29679 of 2024

1. Mrs.Chandra
2. M.Jagannathan

... Petitioners

-VS-

1. The District Collector,
Tiruvannamalai District,
@ Tiruvannamalai.
2. The Block Development Officer,
Kalasapakkam Taluk,
Tiruvannamalai District.
3. The Deputy Superintendent of Police,
Polur, Tiruvannamalai District.
4. The Tahsildar,
Kalasapakkam,
Kalasapakkam Taluk,
Tiruvannamalai District.
5. The Inspector of Police,
Polur Police Station,
Polur, Tiruvannamalai District.
6. Ramalingam



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7. Arumugam

8. Subramani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records, relating to the impugned eviction notice in Na.Ka.No.522/2022/Va.A6 dated 04.09.2024 passed by the 2nd respondent and quash the same and further direction directing the respondents 1 to 5 not to lying the pathway through the petitioners patta land in S.Nos.69/1, 70/B/1A1 and 222 as well as the Government Land in S.Nos.223 and 224 are classified as “Vaikkal Pattai” to reach the private respondents land situated at Alangaramangalam Village, Kalasapakkam Taluk, Tiruvannamalai District.

For Petitioners : Mr.C.Samivel
For R1 to R4 : Mr.T.K.Saravanan
Govt. Advocate
For R5 : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed to quash the impugned eviction notice in Na.Ka.No.522/2022/Va.A6 dated 04.09.2024 passed by the 2nd respondent, with direction to the respondents 1 to 5 not to lay any pathway through the petitioners' patta land in S.Nos.69/1, 70/B/1A1 and 222 as well as the Government Land in S.Nos.223 and 224, which are classified as “Vaikkal Pattai” to reach the private respondents land situated at Alangaramangalam Village, Kalasapakkam Taluk, Tiruvannamalai District.



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2. Mr.T.K.Saravanan, learned Government Advocate takes notice for R1 to R4 and Mr.R.Muniyapparaj, Additional Public Prosecutor for R5. Notice to the private respondents is dispensed with, as no adverse order is going to be passed against them in this petition.

3. It is the case of the petitioners that they are the owners of the property in S.No.69/1 and 70B/1A1 and they also occupied the adjacent land in S.No.223, which belongs to the Government and the private respondents gave a representation to the Official respondents to lay a pathway through the patta land as well as Government land to reach their properties, pursuant to which, notice has been issued, directing the petitioners to evict the said premises at the instance of the private respondents. Aggrieved by the same, the present Writ Petition has been filed, stating that without conducting any survey, action has been taken, which is illegal.

4. Learned Government contended that notice has been served to the petitioners in respect of S.No.223, which is classified as water body and the petitioners have encroached upon the said land. He further pointed out that survey had already been conducted by the Official respondents and the reference has also been mentioned in the



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impugned order.

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5. Upon considering the submissions on either side, we are of the view that admittedly, the petitioners have encroached upon the Government Poramboke lands in S.Nos.223 and 224, which are classified as water body and therefore, the petitioners have no legal right to occupy in the aforesaid lands. The authority concerned has rightly issued notice for evicting the petitioners from the said lands.

6. It is stated by the learned Government Advocate that there is an objection filed by the petitioners, pursuant to which, they have to invoke the Land Encroachment Act and Tahsildar is the competent authority to take action for removal of the encroachment in terms of Section 131(2) of the Tamil Nadu Panchayats Act, 1994.

7. Under such circumstances, in our considered opinion, there is no impediment for the Official respondents to proceed in accordance with law as stated by the learned Government Advocate for the respondents.



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8. With the above observations and directions, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,ACJ.]

[P.B.B,J.]

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Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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Note: Issue order copy on 13.09.2024

1. The District Collector,
Tiruvannamalai District,
@ Tiruvannamalai.
2. The Block Development Officer,
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Tiruvannamalai District.
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HON'BLE ACTING CHIEF JUSTICE,
AND
P.B.BALAJI,J.,
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