



WEB COPY



W.P.No.32751 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.32751 of 2023

M.Sekar Nadar

.... Petitioner

Vs

1.The District Collector of Cuddalore,
O/o. District Collector,
Cuddalore

2.The Sub Collector of Cuddalore,
O/o. Sub Collector,
Vridhachalam,
Vridhachalm Taluk, Cuddalore District

3.The Tahsildar,
O/o. The Tahsildar,
Vridhachalam, Cuddalore District

4.Block Development Officer,
O/o. Block Development Office,
Vridhachalam,
Vridhachalam, Cuddalore District

5.The Executive Officer, Town Panchayat,
Mangaiampettai Panchayat Union,
Mangalampettai - 606 104,
Vridhachalam Taluk, Cuddalore District

6.The District Superintendent of Police,
Vridhachalam, Cuddalore District.

.... Respondents



W.P.No.32751 of 2023

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st Respondent herein to take action as per the letter Na.Ka.No.A5/2672/2023 dated 08.08.2023 of the 1st Respondent to remove the dilapidated statute and a flagpole, near to the Petitioner's house and shop on the Road and in front of Petitioner's shops in Mangalampettai, Vridhachalam Taluk, Cuddalore District and to direct the 6th Respondent to give protection to the Petitioner, his family and his property consisting of land together with residential House, comprised in Natham Survey No.105/1, Grama Natham Survey No.214 bearing Door No.4/1, Cart Street, Mangalampettai, Vridhachalam Taluk, Cuddalore District.

For Petitioner : Mr.T.Dhanasekaran

For Respondents : Mr.U.Bharanidharan (for R1 to R5)
Additional Government Pleader

Mr.S.Vinoth Kumar (for R6)
Government Advocate (Crl. Side)

ORDER

The petitioner claims to be a resident of 4/1, Cart Street, Mangalampettai-606104, Vridhachalam Taluk, Cuddalore District ('property'/'property in question'). In that property on the ground floor, he claims to be running a grocery shop. He claims that he has been facing disturbances from 2010 onwards when local politicians of the All India Congress Party stationed a statue of Sri Kamarajar and a flagpole in the



W.P.No.32751 of 2023

ridge of the ditch drainage canal near his building.

WEB COPY

2.Despite his objections, he claims that the politicians are not heeding his request and are insisting that he vacate the place.

3.A representation came to be given by him on 31.07.2023 that has been forwarded by R2/the Sub Collector, Cuddalore to R6/the Deputy Superintendent of Police, Vridhachalam for suitable action.

4.Despite the same, there has been no progress in the matter and hence, this writ petition seeking a mandamus directing the first respondent to take action as per letter dated 08.08.2023 of the first respondent and for removal of the statue and flagpole abutting the petitioner's house.

5.Only R6 has filed a counter. It is submitted by R6, being the District Superintendent of Police, that due enquiry was caused on the reference by the Sub-Collector. R6 states that the petitioner as well as one K.Velmurugan, Town Secretary of the All India Congress Party, Mangalampettai were called for enquiry on 24.08.2023.

6.The stand of the political party was that the petitioner was encroaching upon the land in which the statue had been placed. In fact, the patta of the petitioner's land had also been cancelled and litigation was pending before the Sub-Court, Vridhachalam in O.S.No.248 of 2014



W.P.No.32751 of 2023

and I.A.No.198 of 2021.

WEB COPY

7.Since the matter related to civil disputes between the parties, the matter was not pursued by the Police. That apart, field enquiry was conducted by the Tahsildar and a report filed under Na.Ka.No.A4/4136/2023, dated 19.12.2023. The Tahsildar has elaborated on the facts confirming the cancellation of the patta. That apart, he also states that the petitioner is an encroacher qua Survey No.210, which is itself classified as a street.

8.In light of the seriously disputed facts in regard to the ownership of the land itself, this Court is not in a position to intervene.

9.Since the petitioner has already before the Civil Court in O.S.No.248 of 2014 as against Jayaraman, Kannabiran and Gopu Pillai pending on the file of the learned Principal Subordinate Judge, Vridhachalam, let the petitioner work out his remedies there.

10.With this liberty, this writ petition is dismissed. No costs.

12.06.2024

vs

Index:Yes/No

Speaking order:Yes

Neutral Citation:Yes

To

1.The District Collector of Cuddalore,



W.P.No.32751 of 2023

O/o. District Collector,
Cuddalore

WEB COPY

2.The Sub Collector of Cuddalore,
O/o. Sub Collector,
Vridhachalam,
Vridhachalm Taluk, Cuddalore District

3.The Tahsildar,
O/o. The Tahsildar,
Vridhachalam, Cuddalore District

4.Block Development Officer,
O/o. Block Development Office,
Vridhachalam,
Vridhachalam, Cuddalore District

5.The Executive Officer, Town Panchayat,
Mangaiampettai Panchayat Union,
Mangalampettai - 606 104,
Vridhachalam Taluk, Cuddalore District

6.The District Superintendent of Police,
Vridhachalam, Cuddalore District.



WEB COPY



W.P.No.32751 of 2023

DR.ANITA SUMANTH,J.

VS

W.P.No.32751 of 2023

12.06.2024