



W.P.No.27149 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.27149 of 2019

S.Pandian

... Petitioner

Vs.

1.The Executive Officer,
Town Panchayat Vadalur,
Kurinjipadi Taluk,
Cuddalore District.

2.The Superintending Engineer,
Tamil Nadu Electricity Generation,
and Distribution Corporation,
Capper Hills, Cuddalore Taluk,
Cuddalore District.

3.Mohamed Hanifa

4.The Tahsildar,
Kurinjipadi Taluk,
Cuddalore District.

(R-4 *suo motu* impleaded *vide* order
dated 22.02.2023 made in W.P.No.
27149 of 2019 by SMSJ & KRSJ)

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for
issuance of writ of mandamus, directing the 1st respondent to take appropriate



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steps, in pursuance to its letter Na.Ka.No.A2/683/2013 dated 05.07.2018 to remove the encroachment by the 3rd respondent.

For Petitioner	: Mr.R.Gururaj
For R1 and R4	: Mr.A.Selvendran
For R2	: No appearance
For R3	: Not Ready in Notice

ORDER

(Order of the Court delivered by S.M.SUBRAMANIAM,J.)

The notice issued by the Executive Officer, Town Panchayat Vadalur, Kurinjipadi Taluk, Cuddalore District dated 05.07.2018 is sought to be implemented in the present writ petition.

2. The notice issued to the 3rd respondent would reveal that the 3rd respondent has encroached upon the public pathway. Thus, the Executive Officer issued a notice to remove the encroachments within a period of 3 days. Since a representation has been filed by the petitioner, no further action was initiated.

3. The Executive Officer in the present case has identified the encroachments. The 3rd respondent has encroached upon the public pathway.



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Thus, the notice dated 05.07.2018 issued by the Executive Officer is to be treated as a Report, which is to be communicated to the jurisdictional Tahsildar, Kurinjipadi by the Executive Officer. The Tahsildar, Kurinjipadi based on the notice dated 05.07.2018 issued by the Executive Officer is directed to invoke the provisions of the Tamil Nadu Land Encroachments Act 1905 and evict the encroachments by following the procedures as contemplated under the Land Encroachments Act, 1905.

4. In view of the fact that the Tahsildar, Kurinjipadi Taluk has to initiate action for removal of encroachments, he has been *suo motu* impleaded as respondent in the present writ proceedings. Mr.A.Selvendran, learned Special Government Pleader takes notice on behalf of the impleading respondent/Tahsildar, Kurinjipadi. The Tahsildar, Kurinjipadi shall complete the exercise of removal of encroachments by following the procedures within a period of twelve weeks from the date of receipt of a copy of this order.



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5. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

[S.M.S.J.] [K.R.S.J.]
22.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

- 1.The Executive Officer,
Town Panchayat Vadalur,
Kurinjipadi Taluk,
Cuddalore District.
- 2.The Superintending Engineer,
Tamil Nadu Electricity Generation,
and Distribution Corporation,
Capper Hills, Cuddalore Taluk,
Cuddalore District.
3. The Tahsildar,
Kurinjipadi Taluk,
Cuddalore District.



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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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Order in
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