



W.P(MD)No.16718 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.16718 of 2024
and
W.M.P(MD)No.14468 of 2024**

D.Malaiarasan

... Petitioner

vs.

- 1.The Principal Secretary,
Public Works Department,
Secretariat,
Chennai - 600 009.
- 2.The District Collector,
Tuticorin District,
Tuticorin - 628 101.
- 3.The Directorate of Survey and Settlement,
Central Survey Office,
Survey House,
PWD Estate, Chepauk,
Triplicane,
Chennai - 600 005.
- 4.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Kovilpatti Taluk,
Tuticorin District.



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- 5.The Tahsildar,
Kayathar Taluk Office,
Kayathar,
Tuticorin District - 628 952.
- 6.The Block Development Officer,
The Rural Development Office,
Kayathar Union,
Kayathar Taluk,
Tuticorin District - 628 952.
- 7.The Inspector of Police,
Kayathar Police Station,
Kayathar,
Tuticorin District.
- 8.Sri Jayajothi and Company Private Limited,
Represented by its Authorized Person,
70, Alagai Nagar,
Rajapalayam - 626 117,
Virudhunagar District.
- 9.Ace Renew Tech and Engineering Pvt Limited,
Represented by its Authorized Person,
TS--105, Sidco Industrial Estate,
Ekkatuthangal,
Chennai - 600 032.
- 10.Trio Solar Private Limited,
Represented by its Authorized Person,
Reg. No.100563, Authorised Person,
No. 20/7, Flat 3B, Dr.Nair Road,
Chennai – 600 017.
- 11.Surya Prakash Energy Private Limited,
No.617, Bharat Kumar Bhavan,
Anna Salai,
Chennai - 600 006.



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12.L.S.Spinning Mills Pvt Limited,
Represented by its Authorized Person,
No. 16, Cumbum Main Road,
Minnarasu Nagar,
Muthuthevanpatti,
Theni - 625 534.

13.ARN Green Energy Pvt Limited,
Represented by its Authorized Person,
No. 15, 3rd Cross Marapalam Road,
Kas Nagar, Karungalpalayam,
Erode 638 003

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 7 to forthwith take action and remove encroachment of Compound Wall Panels and fences made by respondents 8 to 13 made public roads 'VANDIPATHAI' situated in Survey Nos.142/12, 145/2, 151/2 and 152/2 of Panikarkulam Village, Kayathar Taluk, Tuticorin District by considering the representation of the petitioner, dated 29.06.2024 and pass appropriate orders on merits in accordance with law within the period that may be stipulated by this Court.

For Petitioner

: Mr.P.Nagarajan

For Respondents

: Mr.P.Thilak Kumar
Government Pleader
for R.1 to R.6

: Mr.T.Senthil Kumar
Additional Public Prosecutor
for R.7



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ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is for a Writ of Mandamus, to direct the respondent Nos.1 to 7 to forthwith take action and remove encroachment of Compound Wall Panels and fences made by respondents 8 to 13 made public roads 'Vandipathai' situated in Survey Nos.142/12, 145/2, 151/2 and 152/2 of Panikarkulam Village, Kayathar Taluk, Tuticorin District by considering the representation of the petitioner, dated 29.06.2024 and pass appropriate orders on merits in accordance with law within the period stipulated by this Court.

2.Insofar as the allegation that has been made by the petitioner against the private respondents that they have encroached upon the public land ie., 'வண்டிப்பாதை' (cart track) at various survey numbers in Panikarkulam Village, Kayathar Taluk, Tuticorin District, Mr.P.Thilak Kumar, learned Government Pleader appearing for the official respondents, has received written instructions from the sixth respondent Tahsildar, where *inter alia*, he has stated the following:



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மேற்படி புல எண்கள் 151/12, 152/2 ஆகிய எண்களில் உள்ள வலங்கீழ்ப்பாணத்தை தனியார் சோலர் நிறுவனத்தினர் முள்வேலி அமைத்து ஆக்கிரமிப்பு செய்கின்றனர். மேலும் புல எண்கள் 151/12, 152/2 ஆகிய புலங்களில் சோலர் நிறுவனத்தினரால் ஓடிமாத மாற்றுப்பணை அமைக்கப்பட்டுள்ளது. புல எண் 142/12, 145/2 ஆகிய புலங்களில் உள்ள வலங்கீழ்ப்பாணத்தில் ஆக்கிரமிப்பு கண்டறியப்பட்டு, சோலர் அமைக்கும் பணியினை நிறுத்தி வைத்திட சோலர் நிறுவனத்திற்கு அறிவுறுத்தப்பட்டுள்ளது. மேலும் ஆக்கிரமிப்பு சட்டம் 1905 னபடி மேற்குறிப்பிட்ட ஆக்கிரமிப்புகளை அமற்றிட நடவடிக்கை மேற்கொள்ளப்பட்டு வருகிறது என்ற விவரத்தை பணிக் க் தெரிவித்துக்கொள்கிறேன்.

இணைப்பு பணிக் க்

செ.செ.சுப்பிரமணியன்
உத்தரவிடும் 24/11/24
கயத்தூறு

3.Relying upon the written instructions, the learned Government Pleader would contend that already the stop work notice has been given and further action is being contemplated to be taken against the private respondents to remove such encroachment under the provisions of the Tamil Nadu Land Encroachment Act, 1905.

4.In view of the said development as has been stated by the learned Government Pleader appearing for the official respondents by dispensing with the notice to be given to the private respondents herein, this Court is inclined to dispose of this Writ Petition with the following order:



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'That there shall be a direction to the official

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respondents to act upon, as stated by the sixth respondent in his written instructions, dated 24.07.2024 and in this regard, after giving notice to the private respondents herein, needful action shall be taken to remove encroachment, if there has been an encroachment made by these private respondents, in accordance with the provisions of the Tamil Nadu Land Encroachment Act, 1905, within a period of two months from the date of receipt of a copy of this order.'

5.With this direction, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.K.,J.] [G.A.M.,J.]
24.07.2024

NCC : Yes / No
Index : Yes / No
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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

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ORDER MADE IN
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DATED : 24.07.2024