



W.P(MD)No.23965 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.23965 of 2024
and
W.M.P.(MD)Nos.20297 to 20299 of 2024**

Bala Ganesan, S/o.Balasubramaniyan

... Petitioner

vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The Revenue Divisional Officer,
Sattur Division,
Virudhunagar District.

4.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

5.The Block Development Officer
Vembakottai Union,
Virudhunagar District.

6.Saravanan, S/o.Shanmugavel

... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.G2/L-11/21/2024, dated 02.07.2024 and quash the same and consequently, forbear the respondents from disturbing the peaceful possession and enjoyment of the petitioner in Survey No.352/2 Keelanmarainadu Village, Vembakottai Taluk, Virudhunagar District.

For Petitioner	: Mr.K.Navaneetharaja
For R1 to R4	: Mr.S.P.Maharajan Special Government Pleader
For R5	: Mr.P.T.Thiraviyam Government Advocate

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Aggrieved by the orders of eviction passed under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905, [hereinafter referred to as "the Act"], the petitioner has come up with this Writ Petition.

2. The orders of the District Collector, Virudhunagar District, very clearly show that the petitioner had removed the cart track that was shown as a detailed cart track in the Field Measurement Book [FMB] running across his land in Survey No.352 and had cultivated the entire area, necessitating action under the Act.



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3. Considering the claim made that there was no cart track, since the "A" Register does not show the existence of a cart track in the said land, we had required the authorities to produce the Field Measurement Book of the entire Village. The Field Measurement Book of Keezhanmarai Naadu has been placed before us and we find that there is a detailed cart track running through Survey Nos.345, 344, 347, 351, 352 and 413 etc. and it is shown as a cart track in the Field Measurement Book.

4. The petitioner claims to be the owner of Survey No.352. Therefore, the authorities are justified in taking action for removal of the encroachment made by the petitioner over the detailed cart track.

5. The learned counsel for the petitioner would claim that the actual width of the cart track is only three meters, but the authorities are laying a road for an extent of 16 feet. He would also point out that though a suit has been filed by the petitioner and one P.Saravanakumar in respect of the very same cart track in O.S.No.147 of 2023 and the same is pending before the Sub-Court, Sivakasi.



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6. Leaving it open to the petitioner to agitate his claim regarding the measurement, which is a matter of evidence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

(R.S.M, J.) (L.V.G, J.)
21.10.2024

Index : No
Neutral Citation : No
smn2

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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
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