



WEB COPY



W.P. No.13413 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P. No.13413 of 2025 and W.M.P. No.15032 of 2025

C. Panneerselvam

Petitioner

vs.

1. The District Collector
Cuddalore District
Collectorate
Gundu Salai Road
Alpet
Manjakuppam
Cuddalore 607 001
2. The Revenue Divisional Officer
Cuddalore 607 001
3. The Tahsildar
Taluk Office
Beach road
Cuddalore 607 001
4. The Special Officer
Annavalli Panchayat
Vazhisothanaipalayam Village
Cuddalore Taluk
5. Ravikumar
6. Ramakrishnan
7. Amsavalli

Respondents

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Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents 1 to 4 from granting residential patta in favour of the respondents/encroachers 5 to 7 in respect of encroached parcel of land situated in Survey Field No.65/1 in Vazhisothanaipalayam Village, Annavalli Panchayat, Cuddalore Taluk, within the jurisdiction of the fourth respondent, under the regularisation of residential encroachments and issuance of free house site patta scheme as per G.O. (Ms.) No.97, Revenue and Disaster Management [LD-1(1)] Department dated 21.02.2025 inasmuch as it offends G.O.(Ms.) No.64, Revenue and Disaster Management, Land Disposal Wing, LD.6(2) Department dated 08.02.2022.

For petitioner Mr. R. Rajavelavan

For RR 1 to 3 Mr. T.K. Saravanan
Addl. Govt. Pleader

For R4 Mr. V. Ravi
Special Government Pleader

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ORDER

[made by K. GOVINDARAJAN THILAKAVADI, J.]

This writ petition has been filed seeking a writ of mandamus forbearing the respondents 1 to 4 from granting residential patta in favour of respondents 5 to 7/alleged encroachers in respect of land situated in Survey Field No.65/1 in Vazhisothanaipalayam Village, Annavalli Panchayat, Cuddalore Taluk, within the jurisdiction of the fourth respondent, under the regularisation of residential encroachments and issuing free house site patta scheme as per G.O.(Ms.) No.97, Revenue and Disaster Management [LD-1(1)] Department dated 21.02.2025, inasmuch as, it offends G.O.(Ms.) No.64, Revenue and Disaster Management, Land Disposal Wing, LD.6(2) Department dated 08.02.2022.

2. Succinctly stated, the facts as culled out from the affidavit filed in support of this writ petition which led to the filing of this writ petition are as follows:



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2.1. There is a public road comprised in Survey Field No.65/1 in Vazhisothanaipalayam Village, Annavalli Panchayat, Cuddalore Taluk, within the jurisdiction of the fourth respondent (Special Officer, Annavalli Panchayat) which is clearly earmarked as Government poramboke in the TSLR records maintained by the fourth respondent. The petitioner's property is situated in S.No.36 abutting the road on the north of the main road and in the said property, the petitioner carries on coconut farming. The aforesaid public road is the only way by which the petitioner can reach his property.

2.2. While so, the private respondents (respondents 5 to 7) have encroached on the public road in S.No.65/1 by constructing thatched houses and this act of the private respondents hinders ingress and egress to the petitioner's property.

2.3 Complaining of this, the petitioner addressed a representation dated 13.03.2025 to the official respondents seeking removal of encroachments on the public road and not to grant patta to private respondents under regularisation scheme.



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2.4. Since the petitioner's said representation has not evoked any response, this writ petition has been filed seeking the relief stated in the opening paragraph.

3. Issue notice to official respondents.

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for official respondents. With the consent of the learned counsel for the petitioner and the learned State counsel, this writ petition is taken up for final disposal in the Admission Board itself by preserving the rights and contentions of private respondents who are alleged encroachers.

5. The learned State counsel, on instructions, submitted that each of the private respondents has applied for patta for 2 cents of land and since the place where they have put up structures in the form of thatched houses is unobjectionable, they are entitled to grant of patta.



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6. In reply, learned counsel for the petitioner submitted that if the private respondents are granted patta, the petitioner's ingress and egress to his property will be severely affected and hence, the petitioner's representation dated 13.03.2025 may be directed to be considered and orders passed.

7. Considering the facts and circumstances of the case, we direct the first respondent to consider the petitioner's representation dated 13.03.2025, of course, after putting on notice, the petitioner and private respondents, viz., respondents 5 to 7 who are alleged encroachers, and pass appropriate orders on the same on its own merits and in accordance with law, as expeditiously as the business of the first respondent would permit.

8. With the above direction, this writ petition stands disposed of. No costs. Connected W.M.P. stands closed.

(M.S., J.) (K.G.T., J.)
17.04.2025

cad
Index : Yes/No
NC : Yes/No

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M.SUNDAR, J.

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