

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No. 15403 of 2015

1. M. Erusappan
2. P. Sithaiyan
3. T. Manikkam
4. M. Kuchiyappan
5. M. Selvaraj
6. R. Arumugham
7. P. Annamalai
8. K.P. Natarajan
9. K. Udaiyan
10. K. Thirumalairao

Petitioners

vs.

- 1 The Secretary to Government ,
Panchayat and Rural Development Department,
Secretariat, Chennai-9.
- 2 The District Collector,
Salem District, Salem.
- 3 The District Superintendent of Police,
Salem District, Salem.
- 4 The Deputy Superintendent of Police,
Omalur, Salem District.
- 5 The Revenue Divisional Officer,
Omalur Division, Salem District.
- 6 The Tahsildar,
Macheri Taluk, Salem District.
- 7 The Inspector of Police,
Nagavalli Police Station, Salem District.
- 8 M.Kannan,
The President, Virthampatti Panchayat,
Karupureddiyur Post, Macheri Taluk,
Salem District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 7 to remove the encroachment caused by the 8th respondent in the area belong to the petitioners in Survey No. 151/6 and New Survey No. 151/6B1 situated at Viruthampatti Village, Mattur Taluk, Salem District or provide alternative place or compensation and consequently direct the 2nd respondent to initiate proceedings against the 8th respondent under section 205 of the Tamil Nadu Panchayat Act 1994 based upon the representation dated 12.2.2015.

For petitioner : M/s. E.C. Ramesh
For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1 to R7

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The case of the petitioner is that the petitioner is a lawful owner of the land being survey No. 151/6 and New Survey No. 151/6B1 situated at Viruthampatti Village, Mattur Taluk, Salem District and the 8th respondent viz., The President, Virthampatti Panchayat, Karupureddiyur Post, Macheri Taluk, Salem District, had encroached upon the property without acquiring the land.

2. Be that as it may. Since the writ petition involves disputed question of facts between two parties in respect of the property in question, particularly, when the petitioner claims to be a lawful owner of the property, the same, in our view, can be resolved only by taking re-course to the competent civil jurisdictional Court and as such, we are not inclined to interfere at this stage.

3. In view of the above, this writ petition is dismissed reserving liberty to the petitioner to take re-course to the appropriate forum, if so advised, under the provisions of law. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ra

To

- 1 The Secretary to Government ,
Panchayat and Rural Development Department,
Secretariat, Chennai-9.
- 2 The District Collector,
Salem District, Salem.
- 3 The District Superintendent of Police,
Salem District, Salem.
- 4 The Deputy Superintendent of Police,
Omalur, Salem District.
- 5 The Revenue Divisional Officer,
Omalur Division, Salem District.
- 6 The Tahsildar,
Macheri Taluk, Salem District.
- 7 The Inspector of Police,
Nagavalli Police Station, Salem District.

+1cc to the Government Pleader, S.R.No.26417

TM(CO)
EU(/06/2015

W.P. No.15403 of 2015

सत्यमेव जयते

WEB COPY