

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:05-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI

AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.15810 of 2015 and M.P.No.1 of 2015

- 1 S.Anthonysamy
S/o.Late Seluvappan
North Garden
Punjaithurayampalayam
Gobichettypalayam Division
Erode District. Petitioner
- Vs
- 1 The State of Tamil Nadu
Rep. by Additional Chief Secretary/
Commissioner of Land Administration
Ezhilagam, Chepauk, chennai-5.
- 2 The Sub Collector
Gobichettypalayam
Erode District.
- 3 The Tahsildar
Gobichettypalayam
Erode District. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the third respondent to consider and dispose of the Petition No.299/2014 dated 8.12.2014 and take action for removal of encroachments in the common pathway in Survey Nos.39 40 41 42 & 43 Kondayampalayam Village Gobichettypalayam Erode District.

For petitioner :: Mr. N. Karthikeyan

For respondents:: Mr. P.S. Shivashanmuga Sundaram, Spl.G.P

ORDER

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

Heard Mr. N. Karthikeyan, learned counsel for the petitioner and Mr. P.S. Shivashanmugha Sundaram, learned Special Government Pleader for the respondents. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 The case of the petitioner, as culled out from the pleadings and documents annexed thereto is that he has made a representation on 03-11-2014 to the Sub-Collector pointing out encroachments in Vari poramboke Survey No.39 and 40 situated in Kondayampalayam Village, Gobi Division. On receipt of the said representation, the Revenue Divisional Officer, Gobichettipalayam sent a communication to the Sub-Collector, Gobichettipalayam. The Sub-Collector, Gobichettipalayam informed the petitioner that the land in question comes within the jurisdiction of Public Works Department. The petitioner has again made a representation on 08-12-2014 pointing out the fact that the land is a Vari Poramboke land and does not come within the jurisdiction of the Public Works Department. The Assistant Engineer, Public Works Department has also informed the Revenue Divisional Officer by his communication dated 'Nil'" that the land in question in survey No.39 and 40 is not classified as land belonging to Public Works Department and the same is classified as Vari Poramboke and as such, the Revenue Department alone is competent to take steps and remove the encroachment in question. Thereafter, no action has been taken by the Officers of the Revenue Department.

3. The learned Special Government Pleader appearing for the respondents would submit that on inspection, if it is found that the encroachment still continues on the aforestated land, the authorities may be directed to take action forthwith for removal of the encroachments in accordance with law, after affording proper opportunity of hearing to the alleged encroachers.

4. We are content with the submission made by the learned Special Government Pleader. Accordingly, we direct the Revenue Authorities, in particular, the respondent Nos.2 and 3 to initiate the action for removal of the encroachment forthwith, after affording proper opportunity of hearing to the alleged encroachers and remove the encroachments, if it is found, on inspection, that the encroachments really exist. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. With the aforesated observations, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1 The Additional Chief Secretary/
Commissioner of Land Administration
Ezhilagam, Chepauk, chennai-5.

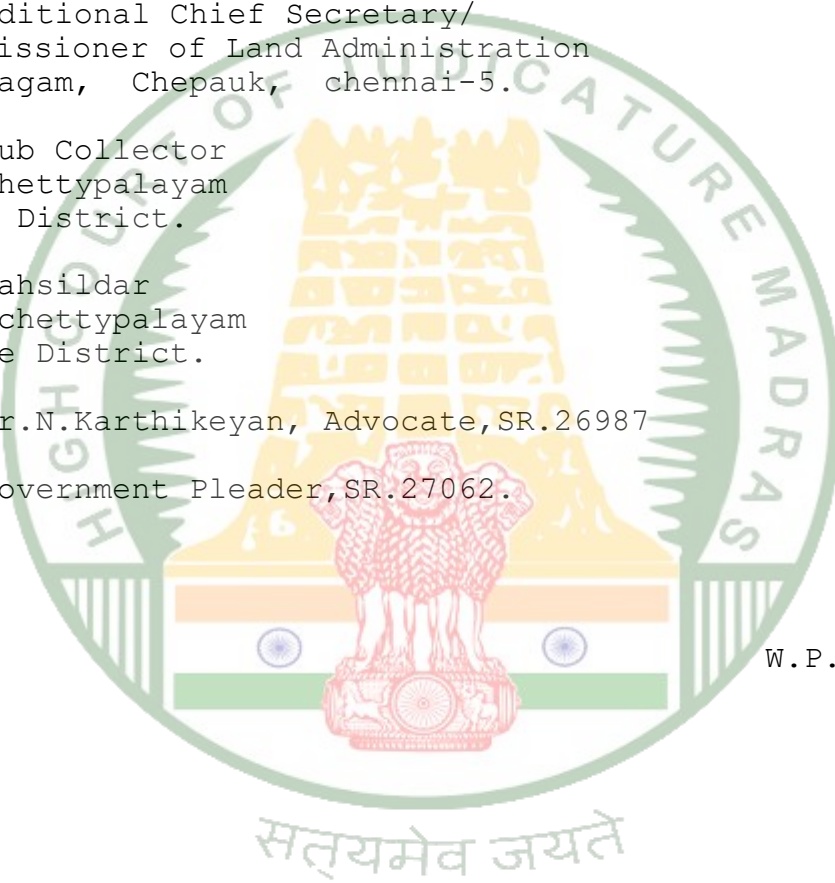
2 The Sub Collector
Gobichettypalayam
Erode District.

3 The Tahsildar
Gobichettypalayam
Erode District.

+1 cc to Mr.N.Karthikeyan, Advocate,SR.26987

+1 cc to Government Pleader,SR.27062.

Sv(co)
krd 22/6



W.P.No.15810 of 2015

WEB COPY