

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.39974 of 2015

Dr. S. Govindan

... Petitioner

Vs.

1.The Additional Chief Secretary/
Commissioner for Land Administration
Ezhilagam
Chepauk, Chennai 600 005

2.The District Collector
Salem District at Salem - 1

3.The District Revenue Officer
Salem District, Salem - 1

4.Vasugi

... Respondents

(To be served through the
District Revenue Officer, Salem)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to forthwith remove the encroachment in Survey Nos.22/7A2A, 22/7B2, 22/7A1 and 22/3 at Kota Goundampatti Village, Omalur Division, Salem District, pursuant to the first respondent's proceedings made in Na.Ka.No.T2/16686/2015 dated 15.07.2015.

For petitioner : Mr. L. Chandrakumar

For RR 1-3 : Mrs. A. Srijyanthi
Special Government Pleader

ORDER
(Delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 to 3. Notice to the fourth respondent is dispensed with at this stage, inasmuch as no adverse order is passed against her in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader, this writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed by the petitioner, seeking for a direction to the respondents to forthwith remove the encroachment in S.Nos. 22/7A2A, 22/7B2, 22/7A1 and 22/3A at Kota Goundampatti Village, Omalur Division, Salem District pursuant to the proceedings of the first respondent dated 15th July, 2015.

3. The petitioner, a septuagenarian, noticing that the Government land and also a burial ground nearby his residence have been encroached by the fifth respondent and further, the water body viz., lake, nearby his residence also has been encroached by a petrol bunk, addressed a representation dated 06 July 2015 to the official respondents seeking removal of those encroachments. Pursuant thereto, the first respondent, viz., the Additional Chief Secretary/Commissioner for Land Administration, Chennai - 5, addressed a communication dated 15 July 2015 to the third respondent, viz., the District Revenue Officer, Salem, directing the latter to initiate appropriate action to redress the petitioner's grievance. However, for a period of five months subsequent thereto, there has been no progress in the matter. Thus, feeling aggrieved by the inaction on the part of the authorities, the petitioner has come up with the instant writ petition seeking the aforestated relief.

4. The learned Special Government Pleader submits that after verification of the area in question, appropriate orders will be passed on the petitioner's representation on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5. In view of the above submission of the learned Special Government Pleader, it is ordered accordingly. Needless to state that an opportunity of hearing shall be given to the

alleged encroacher, viz., the fifth respondent, before taking any consequential action, if need be.

The writ petition stands disposed of with the above observations sans costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

To

1.The Additional Chief Secretary/
Commissioner for Land Administration
Ezhilagam
Chepauk, Chennai 600 005

2.The District Collector
Salem District at Salem - 1

3.The District Revenue Officer
Salem District, Salem - 1

+1cc to Mr.L. Chandrakumar, Advocate, S.R.No.68704
+1cc to the Government Pleader, S.R.No.68847

W.P. 39974 of 2015

SV(CO)
CA(08/01/2016)

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