

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2017

CORAM

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.19465 of 2017  
and W.M.P.No.20988 of 2017

1.J.Kalan  
2.Veerasamy

.. Petitioners

Vs.

1.The District Collector,  
Nilgiris District,  
Ootacamund - 643 001.

2.The District Forest Officer,  
North, Udha mandalam,  
Nilgiris District.

3.The Tahsildar,  
Gudalur Taluk,  
Nilgiris.

4.The Superintendent of Police,  
Nilgiris.

4.AAVIN,  
Vazhaithottam,  
Masinagudi,  
Nilgiris.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to evict the encroachments from the 17 acres of the Government Land in Old Survey No.268/5 (New Survey No.395), Vazhaithottam Village, Masinagudi, Nilgiris District.

For Petitioners : Mr.C.A.Diwakar

For Respondents : Mr.M.K.Subramanian  
Government Pleader  
for respondent Nos.1, 3 & 4

Mr.M.Santhanaraman  
Spl. Government Pleader  
for respondent No.2

\* \* \* \* \*

ORDER

(Order of the Court was made by T.S.Sivagnanam, J.)

Mr.M.K.Subramanian, learned Government Pleader accepts notice for respondent Nos.1, 3 & 4. Mr.M.Santhanaraman, learned Special Government Pleader (Forest) accepts notice for respondent No.2. By consent, the writ petition itself is taken up for final disposal.

2. The petitioners are the residents of Vazhaithottam, Masinagudi, The Nilgiris District and they have filed this writ petition as public interest litigation to direct respondent Nos.1 to 3 to evict/remove the encroachments in Government land comprised in Old Survey No.268/5 (New Survey No.395) measuring an extent of 17 acres.

3. It appears that the said land was earlier used by AAVIN/respondent No.5 for a chilling plant, subsequently, they have re-located the plant to a different location and that the land was not utilised. It appears that the villagers have encroached upon the said land and put up thatched huts. The learned counsel appearing for the petitioners has also produced photographs taken on 02.8.2017. On a perusal of the same, we find that there are small huts here and there in the said land.

4. Learned Government Pleader appearing for respondent Nos.1, 3 & 4 would submit that already the revenue officials have initiated action to remove the encroachments and removal of the encroachments will be done within a period of two weeks. The said statement of the learned Government Pleader is placed on record and respondent Nos.1 to 4 are directed to remove the encroachments within a period of two (2) weeks from the date of receipt of a copy of this order.

5. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.20988 of 2017 is closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

bbr  
To

1.The District Collector,  
Nilgiris District,Ootacamund - 643 001.

2.The District Forest Officer,  
North, Udhagamandalam,  
Nilgiris District.

3.The Tahsildar,  
Gudalur Taluk,  
Nilgiris.

4.The Superintendent of Police,  
Nilgiris.

+1 cc to Government Pleader sr 56397

+1 cc to Special Government Pleader Forest sr 56230

+1 cc to Mr.C.A.Diwakar Advocates sr 55964

सत्यमेव जयते

W.P.No.19465 of 2017

WEB COPY

arv  
aa21/08/2017