

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE  
AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.38673 of 2015

B.Aadhimaadhavan

... Petitioner

-Vs-

1. The District Collector,  
Salem District, Salem.
2. The District Revenue Officer,  
Salem, Salem District.
3. The Tahsildar,  
Salem Taluk, Salem South,  
Salem District.
4. The Commissioner,  
Salem Municipal Corporation,  
Salem.
5. The Assistant Commissioner,  
Kondalampatti Ward Office-4,  
Salem Municipal Corporation, Salem.  
(RR4 and 5 impleaded as per order  
dt.24.01.2017 in WMP.3047 of 2016)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to remove the encroachment made on the public road (cart track) situated in S.No.51/2, Seelanaickenpatti Village, Salem Taluk and District.

For Petitioner : Mr.N.Badrinathan  
for Mr.C.Prakasam

For Respondents : Mr.T.N.Rajagopalan  
Special Government Pleader

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner was the Councillor of the Salem Municipal Corporation when he filed the present petition seeking removal of encroachments made in public road (cart track) situated in S.No.51/2, Seelanaickenpatti Village, Salem Taluk and District.

2.From the counter-affidavit filed by the Tahsildar / the third respondent what comes to light is that the area in question actually vests with the Salem Municipal Corporation. The land which the petitioner claims to have purchased in S.No.50/2 is the land meant for Adi Dravidar community and thus, could not have been purchased by the petitioner who is not from the community and is contrary to the conditions of allotment of such land for the benefit of only the Adi Dravidar community.

3.In so far as the cart track is concerned, it is admitted that the land measuring to the extent of 0.30.5 hectares is classified as cart track which is a poramboke land and vests with the Government. On field inspection, it was found that there is a small temple belonging to the Adi Dravidar community in existence in a very small portion of the track land for several years apart from three houses. However, the houses and the temple are stated to be not in the middle of the cart track and there is no hindrance to use the cart track as a pathway by the public. However, one new temple is also stated to be under construction.

4.We are of the view that keeping in mind the aforesaid facts and circumstances, no intervention in favour of the petitioner is called for, except that no new temple should be permitted to be constructed on the cart track.

Writ petition is, accordingly, disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

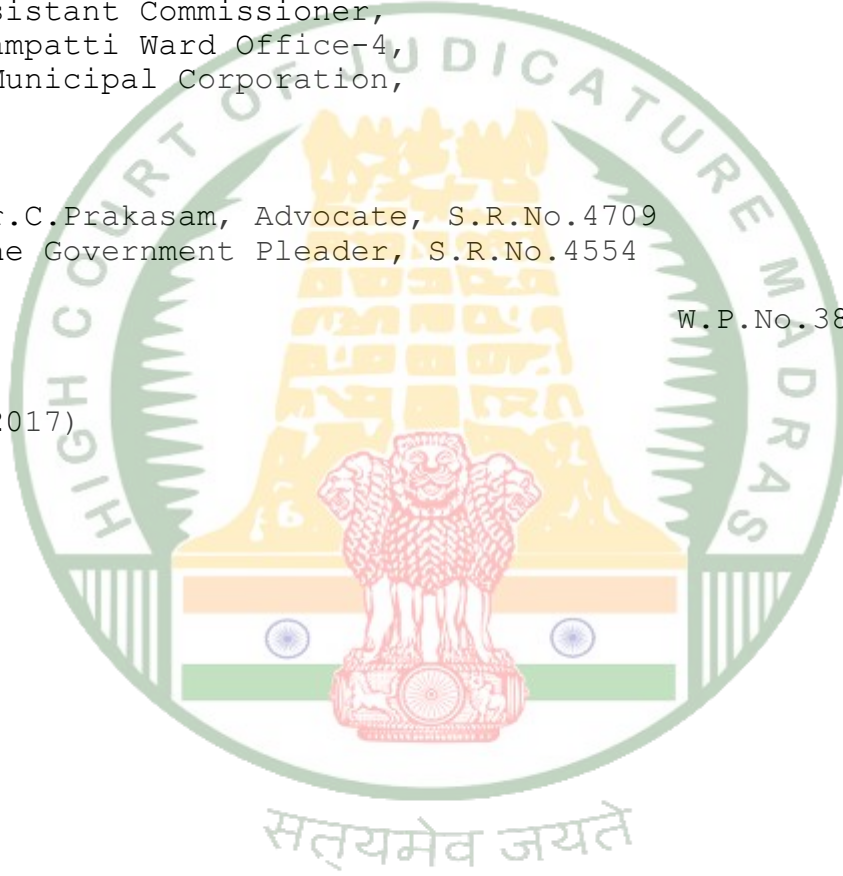
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Salem.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.4709  
+1cc to the Government Pleader, S.R.No.4554

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GMI (CO)  
CA(16/02/2017)



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