

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN  
and  
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.No.14713 of 2018

P.Ravi

...Petitioner

Vs.

1. The District Collector,  
Salem District.
2. The Revenue Tasildar,  
Gangavalli, Salem District.
3. Rajendran

...Respondents

PRAYER:

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment caused by the third respondent in SF.No.415 and 417 of Nagiyampatti village, Attur Taluk, Salem District within an appropriate time.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.R.Udhya Kumar for RR1 and 2,  
Additional Government Pleader

सत्यमेव जयते

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.R.Udhaya Kumar, learned Additional Government Pleader accepts notice for respondents 1 and 2.

2. The petitioner claims to be the owner of the agricultural lands in Survey Nos.417/3, 417/4, 417/8, 417/7 of Nagiyampatti Village, Gangavalli Taluk, Salem District.

According to him, the 3<sup>rd</sup> respondent has also having agricultural land, in the northern side and with the help of Village Administrative Officer of Nagiyampatti Village, he has encroached upon the Government Patta land in S.No.417 as well as Cart Track for a width of 40 feet in S.No.417 and also removed the trees. In this regard, a criminal case against him in Crime No.233 has been registered in Thammampatti Police Station on 29.12.2016 and it is under investigation. The petitioner in this regard has submitted a representation dated 20.01.2017 with copies marked to the Revenue Divisional Officer as well as the 2<sup>nd</sup> respondent.

3. The learned counsel appearing for the petitioner would submit that the 2<sup>nd</sup> respondent vide communication dated 23.02.2017 in O.Mu.C.Pa.No.5/2017 (B2), addressed to the petitioner has informed him about the encroachments in S.No.417/5 and it was also stated that the same will be measured and action will be taken to remove the encroachment. Despite a lapse of nearly more than 10 years, no action has been taken to survey and measure the land and remove the encroachment and therefore, he is constrained to approach this Court by filing this writ petition.

4. Mr.R.Udhaya Kumar, learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that survey and measurement of the land in S.No.417 will be done at the earliest and encroachment will be removed in accordance with law.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. This Court taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition directs the 2<sup>nd</sup> respondent to survey and measure the land in S.No.417/5 of Nagiyampatti Village, Gangavalli Taluk, Salem District within a period of four weeks from the date of receipt of copy of this order and thereafter in the event of encroachment being found, the respondents 1 and 2 shall follow the due process of law by issuing notices to the concerned encroachers and complete the said exercise within a period of ten weeks thereafter and communicate the decision taken to the petitioner as well as to the other encroachers, if any.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sk

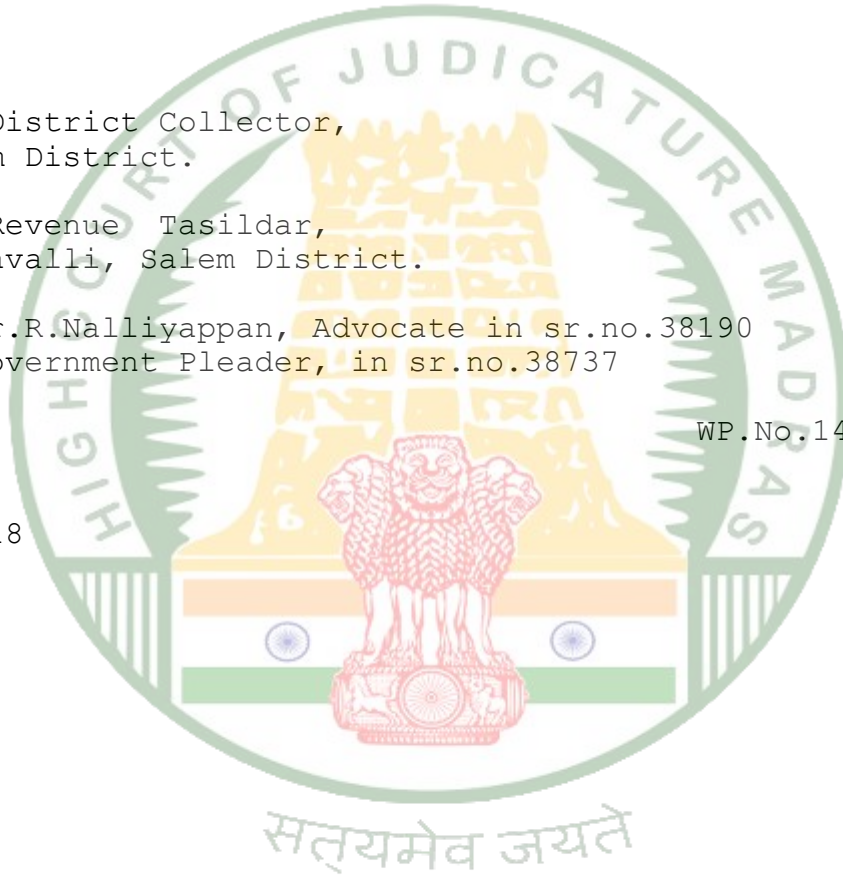
To

1. The District Collector,  
Salem District.
2. The Revenue Tasildar,  
Gangavalli, Salem District.

+1cc to Mr.R.Nalliyappan, Advocate in sr.no.38190  
+1cc to Government Pleader, in sr.no.38737

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VBA(CO)  
CS/05/07/18



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