

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2018

CORAM

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

WP.No.15736 of 2018

A.Anjalam

...Petitioner

Vs.

1.The District Collector,
Collectorate,
Salem District.

2.The District Revenue Officer,
Collectorate,
Salem District.

3.The Revenue Divisional Officer,
Attur Taluk & Post,
Salem District.

4.The Tahsildar,
Attur Taluk & Post,
Salem District.

5.Annakelee

6.K.Ramachandran

7.K.Varatharaj

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 4th respondent herein to consider the petitioner representation dated 08.01.2018 and reminder representation dated 24.04.2018 in the light of G.O.Ms.No.540 Revenue(LD6(2)) Department dated 04.12.2014 and to remove the encroachment made by the 5 to 7 respondents in S.No.212/23 which is situated in Chinnasmuthiram Village, Pethanaickenpalayam Village, Salem District.

For Petitioner : Mr.V.Anandhi devi

For Respondents : Mr.A.N.Thambidurai, Spl GP
for R1 to R4

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

2. The petitioner who claims to be a resident of Chinnasamuthiram Village, Pethanaickenpalayam village, Salem District, came forward to file this writ petition alleging that S.No.212/23 of Chinnasamuthiram Village, Pethanaickenpalayam village, Salem District, is classified as '2C patta land. There is a Tamarind Tree and adjacent to the property, the respondents 5 to 7 had started putting up permanent structure without any planning permission or whatsoever. In this regard, she has submitted representations dated 08.01.2018 and 24.04.2018 respectively and acting upon the same, the Revenue Divisional Officer, Attur by proceedings dated 09.05.2018 in Na.Ka.No.2583/2018/(A2) has directed the 4th respondent / The Tahsildar, to take appropriate action and to send his report and though nearly one month had lapsed, no action has been taken to remove the encroachment and hence came forward to file this writ petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the Adangal and would submit that the said land has been classified as Government Poromboke, and as such the encroachment on the part of the private respondents is perse illegal and prays for appropriate orders for removal of encroachments.

4. This Court heard the submissions of Mr.A.N.Thambidurai, learned Additional Government Pleader appearing for the respondents 1 to 4.

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 her representation or in this writ petition, directs the 4th respondent to cause inspection on the land in S.No.212/23 of Chinnasamuthiram Village, Pethanaickenpalayam village, Salem District, by putting on notice the petitioner, private respondents and other concerned persons, if any, within a period of eight weeks from the date of receipt of copy of this order and depending upon the result of the inspection, shall take appropriate action in accordance with law. in the event of encroachment being found, which shall be done within a period eight weeks thereafter and

decision taken in that regard shall be communicated to the petitioner, private respondents and other concerned persons/encroachers

7. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

sk

To

- 1.The District Collector,
Collectorate,
Salem District.
- 2.The District Revenue Officer,
Collectorate,
Salem District.
- 3.The Revenue Divisional Officer,
Attur Taluk & Post,
Salem District.
- 4.The Tahsildar,
Attur Taluk & Post,
Salem District.

+1cc to Mr.V.Anandi Devi, Advocate SR.No.41666
+1cc to Government Pleader SR.No.41431

WP.No.15736 of 2018

EV(CO)
GN(16/07/2018)

WEB COPY