

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2018

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. No. 18427 of 2018
&
W.M.P. No. 22071 of 2018

Mr.M. Senthil

..Petitioner

Vs.

1. The District Collector,
The District Collector Office,
Salem District.
2. The District Revenue Officer,
The District Collector Office,
Salem District.
3. The Revenue Divisional Officer,
Attur Taluk & Post,
Salem District.
4. The Tahsildar,
Attur Taluk & Post,
Salem District.
5. The Assistant Engineer,
Public Works Department,
Irrigation Division,
Attur Taluk,
Salem District.

6. K. Saroja

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 3rd and 4th respondents to remove the illegal encroachment of the 6th respondent from the Government land (Water Body & Poramboke Land) in S.Nos. 30/1, 2, 3 and 4 at Vedhanayagapuram and northern side of Kamakka Palayam Village, Attur Taluk, Salem District by passing orders on the appeal dated 23.06.2018.

For Petitioner :: Mr.T. Velu

For Respondents:: Mr.A.N. Thambidurai
Special Govt. Pleader

O R D E R

(Order of the Court was made by N. KIRUBAKARAN,J.)

The petitioner has come before this Court stating that the 6th respondent has encroached upon the Government Land comprised in S.No.30/1 (Water Body), measuring an extent of 2 acres and Survey Nos.30/2, 3, and 4 (Tharisu Land) measuring an extent of 1 acre in Vedhanayagapuram area and northern side of Kamakka Palayam Village, Attur Taluk. Though Survey Nos.30/1, 2, 3 & 4 are shown as Government Property in the Revenue Records, the 6th respondent has encroached upon the said land and doing cultivation. The petitioner made a representation on 16.04.2018 to the 4th respondent to remove the illegal encroachment of the 6th respondent. But, no action was taken. Hence, the petitioner preferred an appeal on 23.06.2018 to the 3rd respondent. Since no action has been taken, till date, the petitioner has come before this Court seeking a direction to the 3rd and 4th respondents to remove the encroachment made by the 6th respondent from the Government land (Water Body & Poramboke Land) in S.Nos. 30/1, 2, 3 and 4 at Vedhanayagapuram and northern side of Kamakka Palayam Village, Attur Taluk, Salem District by passing orders on the appeal dated 23.06.2018.

2. Mr.A.N. Thambidurai, learned Special Government Pleader would submit that the Tahsildar, Attur, has conducted inspection of the land in question and after inspection, he has filed a report dated 23.07.2018 stating that the land comprised in S.No. 30/1, to an extent of 0.79.0 hectares has been classified as "waterway", and the lands comprised in S.No. 30/2, to an extent of 0.30.5 hectares, in S.No. 30/3, to an extent of 0.07.5 hectares and in S.No. 30/4, to an extent of 0.00.5 have been classified as Government Waste Lands. The aforesaid lands have been encroached upon and steps are being taken to issue notice under Section 7 of Land Encroachment Act, 1905 to the encroachers.

3. Considering the report dated 23.07.2018 filed by the Tahsildar, Attur, after making inspection, this Court directs the Tahsildar, Attur, to issue notice under Section 7 of the said Act to the 6th respondent and proceed in accordance with law to evict the 6th respondent from the Government Waste Land and complete the entire process within 12 weeks from the date of receipt of a copy of this order. Before passing orders, the petitioner as well as the 6th respondent shall be afforded an

opportunity of personal hearing by the authority. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

4. Post after 12 weeks for reporting compliance.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

nv
To

1. The District Collector,
The District Collector Office,
Salem District.
2. The District Revenue Officer,
The District Collector Office,
Salem District.
3. The Revenue Divisional Officer,
Attur Taluk & Post,
Salem District.
4. The Tahsildar,
Attur Taluk & Post,
Salem District.
5. The Assistant Engineer,
Public Works Department,
Irrigation Division,
Attur Taluk,
Salem District.

+ 1 cc to Government Pleader SR.50850

W.P. No. 18427 of 2018

(CS-DR)
EU(16/08/2018)