

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.27215 of 2013

and

MP.No.1 of 2013

Marimuthammal

.. Petitioner

Versus

1.The District Collector,
Salem,
Salem District.

2.The Tahsildar,
Omalur,
Omalur Taluk,
Salem District.

3.The Executive Engineer,
Public Works Department cum
Water Resource Organisation,
Omalur,
Omalur Taluk,
Salem District.

4.The Village Administrative Officer,
Tenishpettai Village and Post,
Omalur Taluk,
Salem District.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents not to dispossess the petitioner from her land in S.No.491 to an extent of 30 cents and in Survey No.492/2 to an extent of 20 cents situated at Ulkombai, Tenishpetti Village, Omalur Taluk, Salem District, without following the due process of law.

For Petitioner : Mr.M.Elango

For Respondents : Mr.N.Inbanathan

Additional Government Pleader

O R D E R

This writ petition has been filed seeking for a issuance of writ of mandamus, directing the respondents not to dispossess the petitioner from the land in S.No.491 to an extent of 30 cents and in Survey No.492/2 to an extent of 20 cents situated at Ulkombai, Tenishpetti Village, Omalur Taluk, Salem District.

2. The case of the petitioner is that the land in S.No.491 and 492/2 were originally classified as Kallankuttai Poramboke and Natham Poramboke, which commonly used for agriculture. So, in the year 1980, the petitioner occupied the lands and they have been cultivating various crops. While so, on 24.9.2013, the respondents 2 to 4 came to the land and insisted the petitioner to vacate the said land. It is further stated that the respondents have to follow the procedure and they cannot dispossess the petitioner on their whims and fancies.

3. The second respondent has filed a counter affidavit, stating that the land in S.No.491 is classified as River Poramboke and S.No.492/2 is a Grama Natham. The encroachment of the petitioner in the water body could not be allowed by the respondents, as per the guidelines issued by this Court.

4. Heard Mr.M.Elango, learned counsel for the petitioner and Mr. N.Inbanathan, learned Additional Government Pleader appearing for the respondents and perused the material documents available on record.

5. The leaned Additional Government Pleader appearing for the respondents submitted by referring the counter affidavit filed by the second respondent and also the proceedings issued by the Tahsildar, Salem District in Na.Ka.No.1709/2013, dated 6.2.2018, the land in S.No.491 is a River Poramboke and the petitioner has no right to occupy the land. He further submitted that in respect of S.No.492/2, if the petitioner gives a representation, it will be considered by the authorities in accordance with law.

6. In the light of the above submissions made by the learned Additional Government Pleader, this Court is of the opinion that the petitioner has encroached the water body in S.No.491 and as per the order of the Division Bench of this Court, the respondent authority shall dispossess the petitioner from the said S.No.491. In respect of the land in S.No.492/2, if the petitioner gives a representation, it will be considered by the respondents on merits and in accordance with law.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

ms
To

1. The District Collector,
Salem,
Salem District.
2. The Tahsildar,
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Omalur Taluk,
Salem District.
3. The Executive Engineer,
Public Works Department cum
Water Resource Organisation,
Omalur,
Omalur Taluk,
Salem District.
4. The Village Administrative Officer,
Tenishpettai Village and Post,
Omalur Taluk, Salem District.

+1 CC to The Govt. Pleader sr 14544.
+1 CC to Mr.M. Elango, Advocate sr 12846.

RJ(CO)
SP(12/03/2018)

W.P.No.27215 of 2013

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