

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.4488 of 2019

R.Periyasamy

.. Petitioner

Vs

1 The District Collector
District Collector Office
Salem.

2 The Tahsildar
Attur Taluk
Salem District.

3 The Revenue Inspector
Attur Town, Attur Taluk
Salem District.

4 G.Thangaraj .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing respondents 1 to 3 to remove the encroachment made by the fourth Respondent in the Government poromboke lands comprised in survey No.573/2 and 573/5 measuring an extent of 0.00.30 Ares and 2.02 Ares situated at Paithur (North) village, Attur Taluk, Salem District and put the same to its original stage so that it can be effectively used by the public, based on petitioner's representation dated 23.3.2018 within a stipulated time.

For Petitioner : Mr.S.Ambigapathi

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for respondents 1 to 3

No appearance
for 4th respondent

ORDER

(Order of the Court was made by M.DURAISWAMY,J.)

The petitioner has filed the above writ petition, as a public interest litigation, to issue a writ of mandamus directing respondents 1 to 3 to remove the encroachment made by the fourth Respondent in the Government poromboke lands comprised in survey No.573/2 and 573/5 measuring an extent of 0.00.30 Ares and 2.02 Ares situated at Paithur (North) village, Attur Taluk, Salem District and put the same to its original stage so that it can be effectively used by the public, based on petitioner's representation dated 23.3.2018 within a stipulated time.

2. The second respondent, i.e., the Tahsildar, Attur Taluk, filed a counter affidavit, wherein he had stated that the fourth respondent was served with a notice under Section 7 of the Tamil Nadu Land Encroachment Act on 3.10.2017 and a further notice under Section 6 of the said Act was served on 24.11.2017. It is stated that as against the notice issued under Section 6 of the said Act, the fourth respondent has preferred an appeal before the Revenue Divisional Officer, Attur in the year 2018 and the same is pending.

3. From the averments stated in the counter affidavit filed by the second respondent, it is clear that the official respondents have taken steps for removing the encroachment made by the fourth respondent. In view of the pendency of the appeal filed under Section 10 of the said Act, the official respondents are not in a position to proceed further for evicting the encroacher from the land in question.

4. Since the second respondent has taken all effective steps to remove the encroachment, no further direction need be issued to the official respondents for removing the encroachment. However, since the appeal is pending from 2018, we direct the Revenue Divisional Officer, Attur, to dispose of the appeal as expeditiously as possible.

With the above observations, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

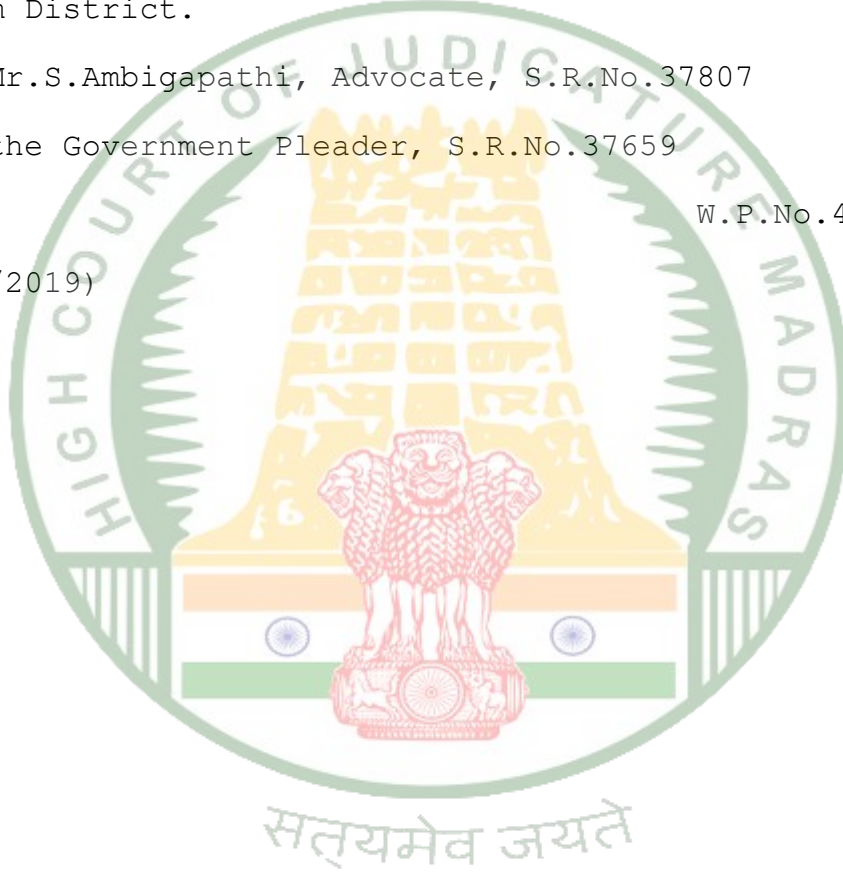
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Attur Town, Attur Taluk
Salem District.

+1 cc to Mr.S.Ambigapathi, Advocate, S.R.No.37807

+1 cc to the Government Pleader, S.R.No.37659

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PA(CO)
SSM(09/05/2019)



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