

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.2651 of 2019

S.Ramasamy ... Petitioner

-vs-

1. The District Collector,
Salem District.

2. The Thasildar,
Office of the Thasildar,
Attur, Salem District.

3. Rajendran ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 2 to take appropriate action to remove the encroachment caused by the 3rd respondent over the properties comprised in S.F.No.364/1 at Ammampalayam Village, Attur Taluk, Salem District by considering the representation of the petitioner dated 24.12.2018 within an appropriate time.

For Petitioner : Mr.Premalathan.N.

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent Nos.1 and 2
Mr.N.Muthukrishnan
for respondent No.3

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard the learned counsel for the petitioner; learned Government Pleader (i/c) for respondent Nos.1 and 2 and the learned counsel for respondent No.3.

2. The petitioner is seeking direction to respondent Nos.1 and 2 to take appropriate action to remove the encroachment caused by respondent No.3 in the property comprised in S.F.No.364/1 at Ammampalayam Village, Attur Taluk, Salem District.

3. The learned Government Pleader (i/c) has tendered the counter-affidavit of respondent Nos.1 and 2, wherein it is stated that the said land is not under anybody's occupation and the land is classified as "assessed waste dry" (Tharisu). It is stated that at present the land is free from encroachments by anyone, including respondent No.3. It is further stated in the counter-affidavit that the Village Administrative Officer, Ammampalayam has been directed to take appropriate steps to demarcate the land and not allow any encroachment in the said land.

4. In view of the counter-affidavit filed by respondent Nos.1 and 2, no further orders are necessary in this writ petition.

5. The writ petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Salem District.

2. The Thasildar,
Office of the Thasildar,
Attur, Salem District.

+1 cc to Mr.R.Nalliyappan, Advocate, S.R.No.16126

+1 cc to the Government Pleader, S.R.No.15766

SSM(11/03/2019).

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