

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.39949 of 2005
and WP.M.P.No.42830 of 2005

R.Rathanasabapathy .. Petitioner

-vs-

1.The District Collector,
Salem.

2.The Revenue Divisional Officer,
Salem.

3.The Tahsildar,
Salem Taluk, Salem.

4.The Block Development Officer,
Panchayat Union, Panamarathupatty,
Salem Taluk & District.

5.The Executive Officer,
Town Panchayat, Mallur,
Salem District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to take action for removal of illegal encroachments and illegal constructions in the water storage tank known as Athikuttai at Mallur Village and its outlet channels and for plugging the breach caused by the encroachers in the tank bund and for cancellation of illegal pattas granted to persons in respect of the lands in the Athikuttai of Mallur Village, Salem Taluk and District.

For Petitioner : Mr.S.Kalyanaraman

For Respondents : Mr.S.N.Parthasarathy
Govt. Advocate for RR 1 to 3
: Mr.P.S.Jayakumar for R-4
: No appearance for R-5

O R D E R

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

The above writ petition has been filed by the petitioner to issue writ of mandamus directing the respondents to take action for removal of illegal encroachments and illegal constructions in the water storage tank known as Athikuttai at Mallur Village and its outlet channels and for plugging the breach caused by the encroachers in the tank bund and for cancellation of illegal pattas granted to persons in respect of the lands in the Athikuttai of Mallur Village, Salem Taluk and District.

2.When the writ petition is taken up for hearing, Mr.S.N.Parthasarathy, learned Government Advocate appearing for respondents 1 to 3 submitted that he has received written communication from the Tahsildar, Salem, the third respondent, that the encroachments were removed as early as on 06.09.2018 itself. The learned Government Advocate also produced a copy of the letter of the Tahsildar dated 17.07.2019 with regard to the same.

3.The learned counsel appearing for the fourth respondent also submitted that the encroachments were removed on 06.09.2018.

4.The said statement made by the learned counsels for respondents 1 to 4 is recorded and the writ petition is, accordingly, closed. No costs. Consequently, WP.M.P.No.42830 of 2005 is also closed.

Sd/-

Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
Salem.

2. The Revenue Divisional Officer,
Salem.
3. The Tahsildar,
Salem Taluk, Salem.
4. The Block Development Officer,
Panchayat Union, Panamarathupatty,
Salem Taluk & District.
5. The Executive Officer,
Town Panchayat, Mallur,
Salem District.

+1 cc to M/s.S.Kalyanaraman, Advocate, S.R.No.63782

+1 cc to M/s.P.S.Jayakumar, Advocate, S.R.No.64293

+1 cc to the Government Pleader, S.R.No.65027

W.P.No.39949 of 2005

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



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