

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P. No.21742 of 2019

Mohammed Saleem

.. Petitioner

v.

1.Government of Tamil Nadu,
by its Secretary,
Revenue Department,
Secretariat,
Chennai.

2.The District Collector,
Salem.

3.The Belur Town Panchayat,
Executive Officer,
Belur-636 104,
Valapadi Taluk,
Salem District.

4.Indhumathi
5.Angamuthu
6.Ramesh
7.Jagadeesan
8.Sakthi
9.Vadivel
10.Balaji
11.Sakthivel
12.Arumugam
13.Anandan
14.Kamalam
15.Rajammal

WEB COPY

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 3 to remove the encroachments made by the respondents 4 to 15 on

the Natham Theatre East Street in Belur Village, S.F. No.373, Valapadi Taluk, Salem District by implementing the order passed by this Court in W.P. No.7212 of 2016 on 17.03.2016.

For petitioner : Mr.S.Muthukrishnan

For respondents: Mr.K.S.Suresh,
Government Advocate
for R1 to R3

ORDER

(Order of this Court was made by R.SUBBIAH,J.)

The writ petition has been filed for mandamus directing respondents 1 to 3 to remove the encroachments made by respondents 4 to 15 on the Natham Theatre East Street in Belur Village, S.F. No.373, Valapadi Taluk, Salem District by implementing the order passed by this Court in W.P. No.7212 of 2016 on 17.03.2016.

2.Though very many contentions have been raised by the learned counsel appearing for the petitioners, ultimately the prayer of the petitioner is to remove the encroachments made by respondents 4 to 15 on the Natham Theatre East Street in Belur Village, S.F. No.373, Valapadi Taluk, Salem District.

3.Today, learned Government Advocate appearing for respondents 1 to 3 has filed a counter affidavit, in which it has been stated as follows:

'6.It is submitted that the impugned land in S.F.No.373, Valapady Taluk, Salem District is sub divided into

1.373/1

2.373/2

3.373/3

4.373/4

5.373/5

6.373/6

7.373/7

8.373/8

9.373/9

10.373/10

11.373/11

12.373/12

7.It is submitted that except S.No.373/1, which is classified as "Pathai" (pathway), all the other survey

numbers (i.e.) 373/2-373/12 were given patta.

8.It is necessary to state that the patta holders having houses located at the sides of the Natham pathai, had extended their houses and had encroached the street by constructions.

9.It is submitted that the said encroachers, viz.,

1.Mrs.Indhumathi, D/o.Pattappan

2.Mr.Angamuthu,S/o.Periyasamy

3.Mr.Ramesh Kumar, S/o.Periyasamy

4.Mr.Sakthi and Jagadheesan

5.Mr.Vadivel So.Palani

6.Mr.Balaji S/o.Palanimuthu

7.Mr.Sakthivel S/o.Palanimuthu

8.Mr.Aarumugam

9.Mr.Anand S/o.Chinnappan

10.Mrs.Kamala W/o.Veeramuthu

11.Mrs.Rajammal W/o.Periyasamy

12.Mr.Balaj S/o.Palanimuthu

13.Mr.Senthil

were issued with notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 on 01.11.2019.'

4.Since the above encroachers were issued with notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 on 01.11.2019 and after giving opportunity for the encroachers to reply to the said notice, notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 was also issued on 22.11.2019 and that the respondents are proceeding with the removal of encroachment in accordance with law, the writ petition accordingly stands closed, recording the averments made in the counter affidavit. The respondents 1 to 3 are directed to complete the process preferably within twelve weeks from the date of receipt of a copy of this order. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS VI)

//True Copy//

WEB COPY Sub Assistant Registrar

vga

To

1.The Secretary,
Government of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai.

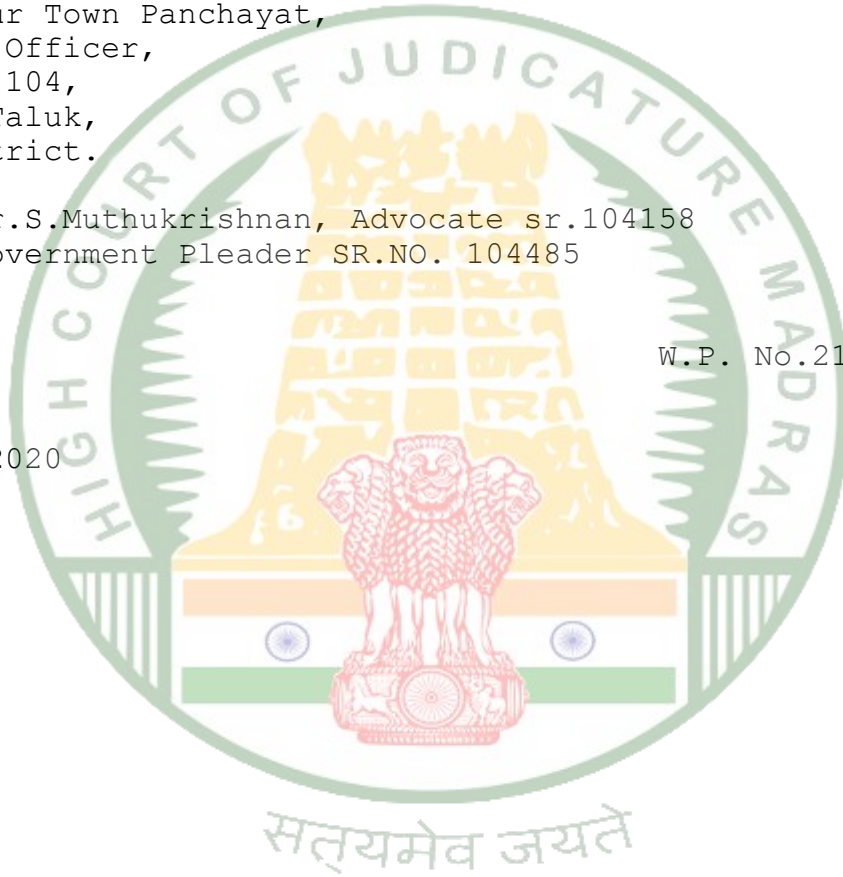
2.The District Collector,
Salem.

3.The Belur Town Panchayat,
Executive Officer,
Belur-636 104,
Valapadi Taluk,
Salem District.

+lcc to Mr.S.Muthukrishnan, Advocate sr.104158
+lcc to Government Pleader SR.NO. 104485

W.P. No.21742 of 2019

sr(co)
nr 24/01/2020



WEB COPY