

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2019

CORAM

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

W.P.No.18193 of 2018

A.Radhakrishnan

.. Petitioner

Vs

- 1 The Secretary to Government  
Revenue Department  
Secretariat  
Chennai - 600 009.
- 2 The Secretary to Government  
Public Works Department  
Secretariat  
Chennai - 600 009.
- 3 The Secretary to Government  
Municipal Administration and  
Water Supply Department  
Secretariat  
Chennai - 600 009.
- 4 The District Collector  
Salem.
- 5 The Commissioner of Police  
Salem City.
- 6 The Revenue Divisional Officer  
Salem.
- 7 The Commissioner  
Salem Corporation  
Salem.
- 8 The Assistant Director (Survey)  
Salem.

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9 The Superintending Engineer  
Public Works Department  
Upper Cauvery Basin Circle  
Kumarasampatty, Salem.

10 Elango Tiffen centre  
Rep by its Proprietor  
Gugai, Salem - 636 006.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing respondents 4 to 9 to remove the encroachment found in the water channel in Town Survey No.40/1 and 40/2 to an extent of 0.015.0 and 0.0186.0 square meter respectively situated at Gugai Village, Salem South Taluk, Salem District, which is made by the 10<sup>th</sup> respondent, as well as to remove the encroachment found on the water bodies by considering petitioner's representation dated 30.05.2017 as well as the proceedings of 4<sup>th</sup> respondent in Na.Ka.No.57279/2008/K1, dated 17.11.2014 and other subsequent proceedings.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.S.N.Parthasarathy  
Government Advocate  
for respondents 1 to 6, 8 and 9

Ms.K.Bhuvaneswari  
Standing Counsel  
for 7<sup>th</sup> respondent

No appearance  
for 10<sup>th</sup> respondent

#### ORDER

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

Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate for respondents 1 to 6, 8 and 9.

2. The petitioner is seeking directions to respondents 4 to 9 to remove the encroachment found in the water channel in Town Survey No.40/1 and 40/2 to an extent of 0.015.0 and 0.0186.0 square meter respectively situated at Gugai Village, Salem South Taluk, Salem District. According to the petitioner, this encroachment was put up by the tenth respondent.

3. The learned Government Advocate has filed a counter affidavit of the ninth respondent, i.e., the Superintending Engineer, Public Works Department, Upper Cauvery Basin Circle, Salem. In the said affidavit, it is stated that in relation to the encroachment notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued on 25.7.2018 and thereafter notice under Section 6 of the Act was issued on 28.8.2018 to the encroachers. The encroachers have filed appeals before the District Collector, Salem, which are pending decision.

4. Thus, it is seen that the authorities are taking action in relation to the encroachment in the said piece of land. Therefore, no further orders are necessary.

The writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

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To:

- 1 The Secretary to Government  
Revenue Department  
Secretariat  
Chennai - 600 009.
- 2 The Secretary to Government  
Public Works Department  
Secretariat  
Chennai - 600 009.
- 3 The Secretary to Government  
Municipal Administration and  
Water Supply Department  
Secretariat  
Chennai - 600 009.
- 4 The District Collector  
Salem.

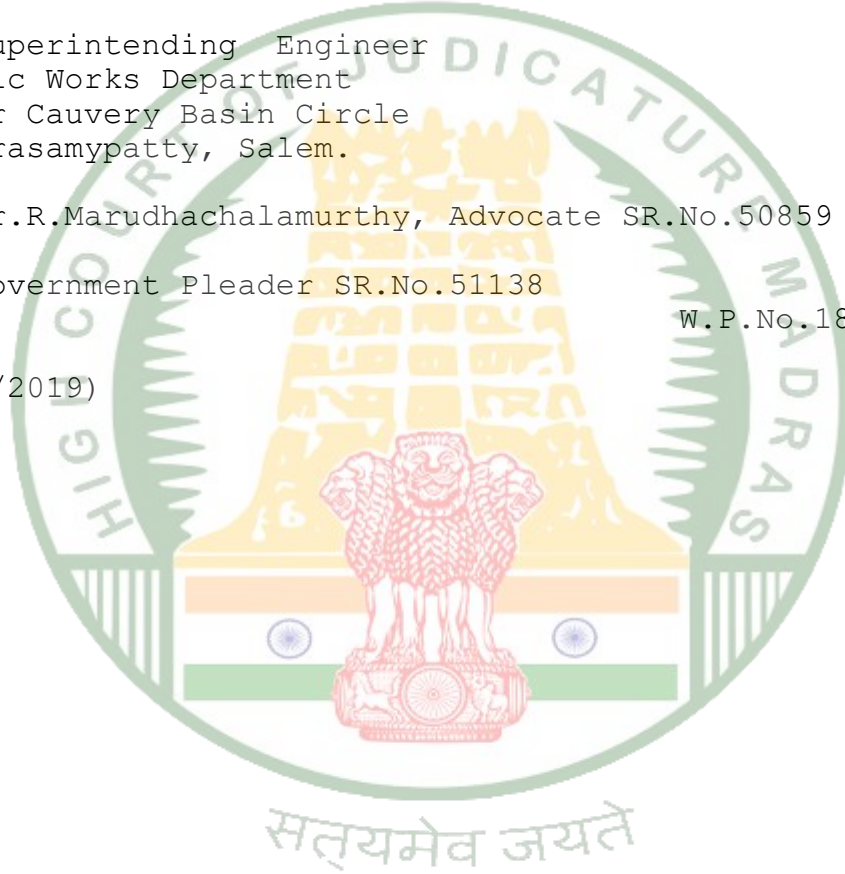
- 5 The Commissioner of Police  
Salem City.
- 6 The Revenue Divisional Officer  
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- 7 The Commissioner  
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Salem.
- 8 The Assistant Director (Survey)  
Salem.
- 9 The Superintending Engineer  
Public Works Department  
Upper Cauvery Basin Circle  
Kumarasampatty, Salem.

+1cc to Mr.R.Marudhachalamurthy, Advocate SR.No.50859

+1cc to Government Pleader SR.No.51138

W.P.No.18193 of 2018

RR(CO)  
GMY(10/07/2019)



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