

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.31337 of 2019

and

WMP No.31499 of 2019

A.Venkatachalam

.. Petitioner

Vs

1.The District Collector
and Inspector of Panchayats
Salem District
Salem.

2.The Sub-Collector/Revenue
Divisional Officer
Mettur Revenue Division
Mettur Dam, Salem District.

3.The Tahsildhar
Mettur Taluk
Mettur, Salem District

4.The Block Development
Officer/Commissioner
Mecheri Panchayat Union
Mecheri - 636 453
Mettur Taluk, Salem District.

5.Paramasivam

6.Vellaiyan .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 and 6 in S.No.71/1, Pathai poramboke land, situated at Mallikuntham Village, Mettur Taluk, Salem District and to restore the entire land to its original position by considering villagers representation dated 11.10.2019.

For Petitioner : Mr.M.R.Jothimanian

For Respondents: Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader for R1 to R4

O R D E R

[Order of the Court was made by M.SATHYANARAYANAN, J]

By consent, this writ petition is taken up for final disposal.

2. The petitioner claims to be a resident of Kuttapattiyan Street, Venganur, Mallikuntham Village Panchayat and came forward to file a writ petition styled as a Public Interest Litigation alleging among other things that as per the village records of Mallikuntham Village, S.No.71/1 is shown as pathway and already some persons have encroached upon the said land to an extent of 2 acres and further efforts are made to cause encroachment in respect of the remaining extent of land. The residents of the said village made personal as well as written representations and last of the written representation was submitted on 11.10.2019 to the first respondent enclosing a copy of the Field Measurement Book and signatures of the residents and despite receipt and acknowledgment, no action has been taken by the official respondents concerned and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

3. The learned counsel appearing for the petitioner would also add that the petitioner did not encroach upon any public land/land belonging to the local body.

4. This Court heard the submission of Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 4.

5. Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 3 and 4 to put the petitioner as well as the private respondents and any other persons concerned on notice, and thereafter considering the representation dated 11.10.2019 submitted by the petitioner as to the alleged encroachment at S.No.71/1, Situate at Mallikuntham Village, Mettur Taluk, Salem District and take appropriate action in accordance with law and also by adhering to the principles of natural justice and the entire exercise shall be completed within ten (10) weeks from the date of

receipt of a copy of this order and communicate the decision taken in this regard to the petitioner, private respondents as well as to the persons concerned.

This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CJ Conf)

// True Copy//

vsm Sub Assistant Registrar

To

1.The District Collector
and Inspector of Panchayats
Salem District
Salem.

2.The Sub-Collector/Revenue
Divisional Officer
Mettur Revenue Division
Mettur Dam, Salem District.

3.The Tahsildhar
Mettur Taluk
Mettur, Salem District

4.The Block Development
Officer/Commissioner
Mecheri Panchayat Union
Mecheri - 636 453
Mettur Taluk, Salem District.

+lcc to Mr.M.R.Jothiraman, Advocate, SR.No.92418.

+lcc to Government Pleader, SR.No.92509.

SR (CO)
CSR(19/12/2019)

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