

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.12.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.34954/2019 & WMP.No.35743/2019

Rajendran .. Petitioner
Versus

1.The District Collector
Salem.

2.The District Revenue Officer
Salem.

3.The Revenue Divisional Officer
Mettur, Salem District.

4.The Tahsildar
Kadayampatti Taluk
Salem District.

.. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of mandamus directing the respondents to remove the encroachment in S.No.382/1 at Marakkottai Village, Karuvalli Panchayath, Kadaiyampatti Union, Kadayampatti Taluk and Salem District and consequently, direct the respondents to take appropriate action to construct bus passengers shelters in the above said land.

For Petitioner : Mr.T.Ganesan

For RR 1 to 4 : Mr.A.N.Thambidurai, Spl.GP

ORDER

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

(1)By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of respondents 1 to 4.

- (2)The learned counsel for the petitioner on instructions, submitted that the petitioner is not an encroacher upon any public land and the said submission on instructions, is placed on record.
- (3)The writ petition is styled as a Public Interest Litigation filed by the petitioner, who is a resident of Jagir Ammapalayam, Salem District and he would submit that the land in S.No.382/1 at Marakkottai is classified as Sarkar Poramboke [Government Poramboke] and the name of Arulmighu Kandasamy Temple is mentioned in the relevant ''A'' Register / Village Account. The grievance expressed by the petitioner is that though the land is classified as Sarkar Poramboke [Government Poramboke], some persons are encroaching upon the said land and started putting up unauthorised construction for commercial exploitation and in this regard, though repeated representations have been submitted, the same failed to invoke any kind of response and hence, the petitioner has filed the present writ petition.
- (4)The learned counsel for the petitioner would submit that the 3rd respondent, vide Memo dated 18.12.2018, in O.Mu.No.3493/18-C has directed the Tahsildar, to take appropriate action and it is also followed by one more Memo dated 11.01.2019 in O.Mu.No.28/19-C and despite the said direction from the superior official, the 4th respondent is not taking any action and therefore, the petitioner is constrained to approach this Court by filing the writ petition styled as a public interest litigation.
- (5)Heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 4 and also perused the materials placed before it.
- (6)Though the petitioner prays for a larger relief, this Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representations or in this writ petition, directs the 4th respondent to cause inspection of the land in S.No.382/1, Marakkottai Village, Kadayampatti Taluk, Salem District within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, if encroachments are found, shall take appropriate action in accordance with law, within a further period of six weeks thereafter, after putting the person/s concerned / encroachers on notice and communicate the decision taken, to the petitioner and to the persons concerned.

(7)The writ petition stands disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector, Salem.

2.The District Revenue Officer
Salem.

3.The Revenue Divisional Officer
Mettur, Salem District.

4.The Tahsildar
Kadayampatti Taluk
Salem District.

+1cc to Mr.T.Ganesan, Advocate, S.R.No. 105458
+1cc to the Government Pleader, S.R.No. 106203

WP.No.34954/2019

MR(CO)
GN(11/02/2020)