

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.33690 of 2019
and W.M.P.Nos.34157 and 34158 of 2019

1.S.Vennila
2.R.Mathiyazhangan ...Petitioners

-Vs-

- 1.The State of Tamil Nadu
Rep. by its Secretary to Government
Department of Revenue
Fort. St.George, Chennai
- 2.The Additional Chief Secretary
and Commissioner for Land Administration
Chepauk, Chennai-600 005
- 3.The District Collector
Collectorate, Salem District
- 4.The Revenue Divisional Officer
Salem West Division, Salem District
- 5.The Tahsildar
West Circle, Salem District
- 6.The Block Development Officer
Veerapandi Panchayath
Ariyalur, Salem 636 010

7.L.Venkatachalam ...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue writ of Mandamus directing the respondents to remove the encroachment made by the 7th respondent in 0.11.5 hectares of Government poromboke passage comprised in Survey No.45/4 and 8-1-5-5.56-0.81.0 hectares of Governemnt poromboke land comprised in Survey No.45/1 situated at Laguvampatti village jurisdiction of Murunkapatti Panchayat, Salem West Taluk and in Pappikuttai by considering the petitioner's representation dated 04.02.2019.

For Petitioners : Mr.A.Tamilrajan

For Respondents : Mr.A.N.Thambidurai, Spl.G.P.
for R1 to R6.

ORDER

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

Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 6.

2. The petitioners are the residents of Murunkapatti Post, Veerapandi Panchayat Union, Sivadapuram, Salem West Taluk, Salem District and filed this writ petition as a Public Interest Litigation alleging that the Laguvampatti village lands in Survey No.45/1 and 45/4 are classified as Government Poramboke lands and there are very many encroachments on the said lands. The 1st petitioner, in this regard had also submitted representation to the concerned authorities and the 3rd respondent vide communication dated 30.04.2019 in Na.Ka.8894/2019/K4, directed the 4th respondent to remove the encroachment, after following the due process of law and inform the same to their office as well as the applicant. The 1st respondent also vide communication dated 18.02.2019 in Na.Ka.No.T3/2327/2019, had directed the 3rd respondent to do the needful. The learned counsel appearing for the petitioners has submitted that despite the lapse of nearly seven months from the date of the said communications, the 4th and 5th respondents had failed to act and therefore, the petitioners are constrained to approach this court, by filing this writ petition.

3. Heard the submission of the learned counsel appearing for the petitioners and during the course of arguments, this court has put up a specific question on the learned counsel appearing for the petitioners, as to the material to show that the lands in the above survey number are classified as Government Poramboke, for which, the learned counsel appearing for the petitioners is unable to provide any material.

4. Be that as it may, this court, without going into the merits of the claim projected by the 1st petitioner either in her representation or in the writ petition, directs the 4th respondent, to act on the above said communications dated 30.04.2019 and 18.02.2019, in accordance with law, after putting on notice on the concerned persons and also by adherence to principles of law and the said exercise shall be carried out within ten weeks from the date of receipt of a copy

of this order. The decision taken in this regard shall also be informed to the petitioners as well as to the persons concerned.

5. The Writ Petition stands disposed of accordingly. No costs. Consequently, connected WMPs are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

nvsri
To

- 1.The Secretary to Government
Department of Revenue
Fort. St.George, Chennai
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and Commissioner for Land Administration
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Collectorate, Salem District
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West Circle, Salem District
- 6.The Block Development Officer
Veerapandi Panchayath
Ariyalur, Salem 636 010

+1cc to Mr.M.Sarath kumar , Advocate SR.No. 100526
+1 cc to Government Pleader Sr.No. 101192

W.P.No.33690 of 2019

A.SK(22/01/2020)

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