

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAIWAMY

W.P. No.26174 of 2018

M.Nalliyappan

.. Petitioner

-vs-

1.The District Collector,
Salem,
Salem District.

2.The District Revenue Officer,
Collector Office,
Salem District.

3.The Revenue Divisional Officer,
Attur Division,
Salem District.

4.The Tahsildar,
Gengavalli Taluk,
Salem District.

5.A.Ramachandran

6.A.Jayaraman

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to remove the illegal encroachment of the 5th and 6th respondents from the Government land (Tharisu land) in Survey No.2/2 measuring an extent of 2 acres at Veppadi Palakadu Village, Gangavalli Taluk, Salem District by implementing the letter dated 20.07.2018 passed by the 2nd respondent.

For Petitioner

: Mr.T.Velu

For Respondents

: Mr.S.Kamalesh Kannan
Government Advocate
for respondent Nos.1 to 4

No Appearance
for respondent Nos.5 and 6

ORDER

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

The petitioner has filed above writ petition to issue a Writ of Mandamus directing respondent Nos.1 to 4 to remove the illegal encroachment of respondent Nos.5 and 6 from the Government land (Tharisu land) in Survey No.2/2 measuring an extent of 2 acres at Veppadi Palakadu Village, Gangavalli Taluk, Salem District by implementing the letter dated 20.07.2018 issued by respondent No.2.

2. Though notices sent to respondent Nos.5 and 6 have been duly served and their names were printed in the cause list, none appears for them.

3. In the counter-affidavit filed by respondent No.4/Tahsildar, Gangavalli Taluk, it has been categorically stated that respondent Nos.5 and 6 have encroached upon the Government Tharisu land in Survey No.2/2 and cultivated Tapioca crops. Further, it has been stated in the counter-affidavit that respondent Nos.5 and 6 have agreed to vacate the encroached portions of the land after harvest of the standing Tapioca crops in the month of January or February, 2019.

4. In spite of granting time sought for by respondent Nos.5 and 6, so far the encroachment made by them has not been removed either by respondent Nos.5 and 6 themselves or by the authorities.

5. When respondent No.4 has specifically stated that respondent Nos.5 and 6 are occupying the Government land in Survey No.2/2, they cannot be allowed to continue in possession of the said land.

6. In such view of the matter, we direct respondent Nos.1 to 4 to remove the encroachment made by respondent Nos.5 and 6 in respect of Survey No.2/2 in Veppadi Palakadu Village, Gangavalli Taluk, Salem District as expeditiously as possible.

7. With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.30395 of 2018 is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Salem,
Salem District.

2.The District Revenue Officer,
Collector Office,
Salem District.

3.The Revenue Divisional Officer,
Attur Division,
Salem District.

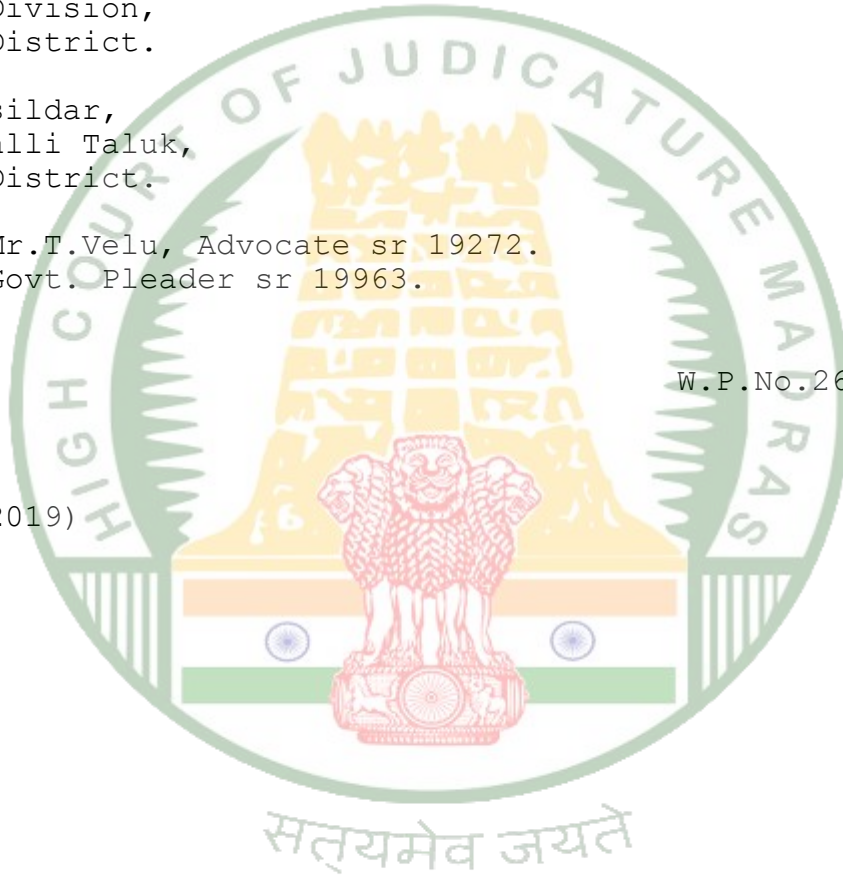
4.The Tahsildar,
Gengavalli Taluk,
Salem District.

+1 CC to Mr.T.Velu, Advocate sr 19272.

+1 CC to Govt. Pleader sr 19963.

W.P.No.26174 of 2018

VSNI (CO)
SP(15/03/2019)



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