

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2019

CORAM :

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

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.28224 of 2018

S.Selvi

.. Petitioner

-vs-

1.The District Collector,
Collectorate,
Salem District.

2.The District Revenue Officer,
Collectorate,
Salem District.

3.The Revenue Divisional Officer,
Attur Taluk & Post,
Salem District.

4.The Tahsildar,
Gangavalli Taluk & Post,
Salem District.

5.Kaliyan

6.Manikandan

.. 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 consider the representation dated 17.09.2018 submitted by the petitioner in the light of G.O.Ms.540 Revenue (LD6 (2) Department, dated 04.12.2014 and to remove the encroachment made by the 5th and 6th respondent which is situated in S.No.399/2, 406/3 situated in Puliyankuruchi village, Gangavalli Taluk, Salem District, within a time frame as may be fixed by this Hon'ble Court.

For Petitioners : Mr.A.Rajkumar

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent Nos.1 to 4

Mr.M.Rajendran
for respondent Nos.5 & 6

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the respondents 1 to 4 to consider the representation dated 17.09.2018 in the light of G.O.Ms.No.540, Revenue (LD(6)) Department, dated 04.12.2014 and to remove the encroachment made by respondent Nos.5 and 6, which is situated in S.Nos.399/2 and 406/3 situated at Puliyankuruchi Village, Gangavalli Taluk, Salem District, within a time frame.

2. The learned counsel appearing for the petitioner submitted that respondent Nos.5 and 6 have encroached into the land in Survey Nos.399/2 and 406/3 and therefore, they should be evicted from the said lands.

3. The learned counsel appearing for respondent Nos.5 and 6 submitted that respondent Nos.5 and 6 have also filed a civil suit and therefore, the writ petition should be dismissed.

4. On a perusal of the copy of plaint produced by the learned counsel for respondent Nos.5 and 6, it is clear that respondent Nos.5 and 6 have filed the suit in O.S.No.218 of 2015 on the file of the District Munsif Court, Attur only as against Ramaraji and six others and not against the petitioner. Since no suit is pending against the petitioner, the writ petition is very much maintainable.

5. The learned Government Pleader (i/c) appearing for the official respondents submitted that respondent No.4 would take appropriate action for removal of the encroachment under the Tamil Nadu Land Encroachment Act, 1905 by issuing notice to the encroachers. The submission made by the learned Government Pleader (i/c) is recorded.

6. In view of the same, we do not find any further directions need be given to the official respondents. Accordingly, the writ petition is disposed of. The official

respondents are directed to initiate action against the encroachers under the provisions of Tamil Nadu Land Encroachment Act, 1905 as expeditiously as possible. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Collectorate, Salem District.
- 2.The District Revenue Officer,
Collectorate, Salem District.
- 3.The Revenue Divisional Officer,
Attur Taluk & Post, Salem District.
- 4.The Tahsildar,
Gangavalli Taluk & Post,
Salem District.

+1cc to Mr.M.Rajendiran, Advocate, S.R.No.6213
+1cc to the Government Pleader, S.R.No.5794

W.P. No.28224 of 2018

NRL (CO)

rrs 12/02/2019

सत्यमेव जयते
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