

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2020

CORAM

THE HON'BLE MR. JUSTICE R. MAHADEVAN
and
The HON'BLE DR. JUSTICE ANITA SUMANTH

W.P.No.20300 of 2020
and
W.M.P.No.25081 of 2020

P. Thangaraji .. Petitioner
Vs..

- 1.The District Collector,
Salem,Salem District.
 - 2.The Tahsildar,
Gengavalli Taluk,
Salem District.
 - 3.The District Sub Registrar,
Salem Diary Development Department,
Old Naddanmai Building Campus,
Salem District - 636 001.
 - 4.The Block Development Officer,
Block Development Office,
Thalaivasal Union,
Attur Taluk, Salem District - 636 112.
 - 5.The President,
SMD1008 Milk Producer's Co-Operative Union,
Vepampoondi Amman Nagar,
Gengavalli Taluk, Salem District.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to pass orders on the representation dated 28.11.2020 by removing illegal encroachment and construction of the fifth respondent from the Government Poramboke Land at S.No.48, Veppampoondi Village, Gengavalli Taluk, Salem District.

For Petitioner :Mr. C. Balasundar
For Respondents :Mr. V. Jayaprakash Narayanan, for R1 to R4
State Government Pleader

O R D E R

(Order of the Court was made by R. Mahadevan, J.,)

Mr.V.Jayaprakash Narayanan, learned Government Pleader, accepts notice on behalf of the respondents 1 to 4.

2.By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, the land in S.No.48 measuring to an extent of 10 acre in Veppampoondi Village, Gangavalli Taluk, Salem District, is a Government Poramboke and the same was encroached by some persons, fixing boundary stones and using it for their own purpose. Pointing out that due to the said encroachment, the runways of the water canal was blocked, the petitioner requested the respondent authorities to remove the encroachment from the water canal, which was not considered. Hence, he filed a writ petition bearing No.34817 of 2018 and the same is pending. In the meanwhile, the fifth respondent passed a resolution on 09.10.2019 proposing to construct a new Milk Chilling Centre in the subject land, without getting prior permission from the first respondent. Therefore, the petitioner made a representation dated 28.11.2020, seeking to remove the unauthorised construction of the Milk Chilling Centre in the subject land. Finding no response on the said representation, he has come up with the present writ petition.

4.Heard both sides and perused the documents placed before this Court. Considering the limited relief sought in this writ petition, notice to the fifth respondent is waived off.

5.Having regard to the facts and circumstances of the case and taking note of the submissions made by the learned counsel on either side, without expressing any opinion with respect to the merits of the case, the respondents 1 and 2 are directed to consider the representation of the petitioner dated 28.11.2020, and pass appropriate orders, on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner as well as the fifth respondent, within a period of six weeks from the date of receipt of the copy of this order.

6.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AT

To

1.The District Collector,
Salem,
Salem District.

2.The Tahsildar,
Gengavalli Taluk,
Salem District.

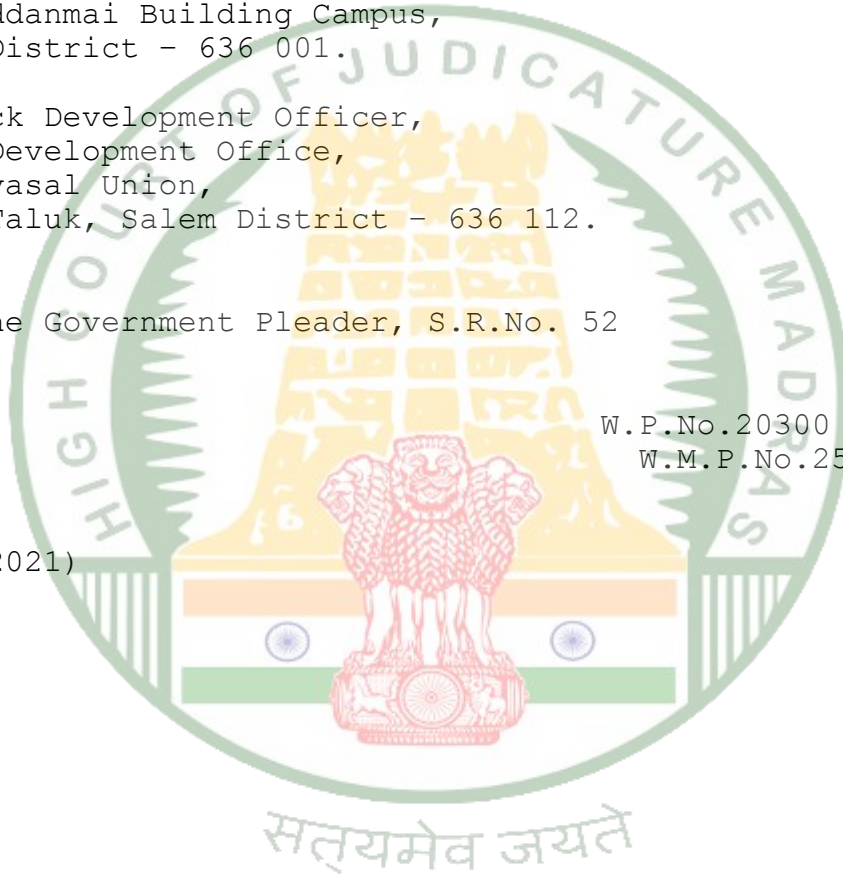
3.The District Sub Registrar,
Salem Diary Development Department,
Old Naddanmai Building Campus,
Salem District - 636 001.

4.The Block Development Officer,
Block Development Office,
Thalaivasal Union,
Attur Taluk, Salem District - 636 112.

+1cc to the Government Pleader, S.R.No. 52

W.P.No.20300 of 2020 and
W.M.P.No.25081 of 2020

EV(CO)
GN(03/02/2021)



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