

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2020

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14198 of 2017

C.Srinivasan

.. Petitioner

Vs.

1. The District Collector,
Collectorate Office,
Salem.

2. The Project Director / Joint Director (Agriculture)
District Waterways Area Development Agency,
Near Thiruvalluvar Statue, Salem

... 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 remove the concrete floor which is constructed in S.F.No.142/2A, Anupur Village, Valapady Taluk, Salem District especially in the petitioner's patta land by considering the representation of the petitioner herein dated 17.04.2017

For Petitioner : Ms.V.Revathy for
Mr.R.Nalliyappan

For Respondents : Ms.K.Bhuvaneswari
Additional Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking a Writ of Mandamus directing the first respondent to remove the concrete floor which is constructed in S.F.No.142/2A, Anupur Village, Valapady Taluk, Salem District especially in the petitioner's patta land by considering his representation dated 17.04.2017.

2. It is the case of the petitioner that the property comprised in S.F.No.142/2A, Anupur Village, Valapady Taluk, Salem District belonged to Karupayammal and after her death, it devolved upon the name of the petitioner's father, Chinnusamy.

The said Chinnusamy had executed a settlement deed in favour of the petitioner for an extent of 20 cents and the same was registered before the Sub Registrar Office, Salem District. It is now stated that the respondents had constructed a concrete floor to place the harvested agricultural crops from the funds of the panchayat. They have encroached upon in the petitioner's land to an extent of 28.6 sq.mts. Therefore, the petitioner has filed the above Writ Petition for removal of concrete floor, which is constructed in the petitioner's patta land.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4. Upon instructions, the learned Additional Government Pleader appearing on behalf of the respondents, produced a report of the Surveyor, Karipatti which states that the lands were measured on 03.01.2020 in the presence of the Revenue Inspector, Karipatti, the Village Assistant and also the Village Administrative Officer. As per the inspection report, drying yard constructed to an extent of 28.6 sq.mts has been encroached upon the lands belonging to the petitioner. As the inspection report and also the sketch furnished by the respondents clearly shows that about 28.6 sq.mts had been encroached upon the petitioner's land and the concrete floor has been made, it has to be removed and restored to its original shape and handed over to the petitioner.

5. Though it is stated by the petitioner in paragraph 4 of the affidavit that the petitioner has no objection to remove the concrete floor at the costs of the petitioner provided, the respondents issue a written order to remove the concrete floor.

6. In such view of the matter, it is open to the petitioner to remove the concrete floor to the extent encroached upon in his land or the respondents to remove the same and restore its original position. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

srn

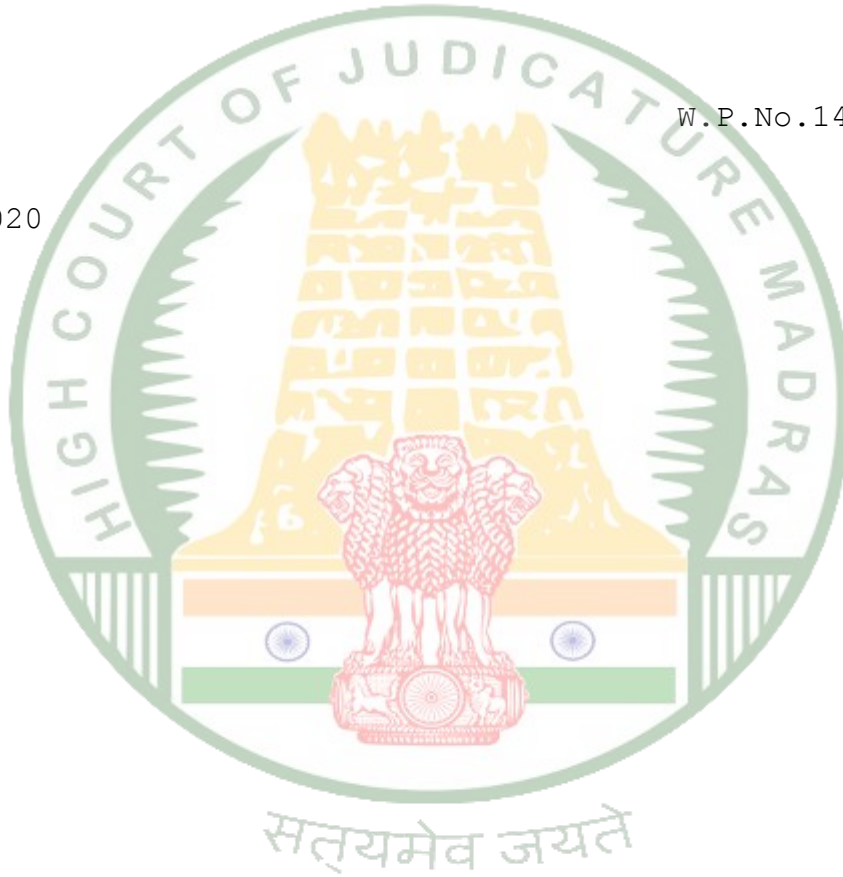
To

1. The District Collector,
Collectorate Office,
Salem.
2. The Project Director / Joint Director (Agriculture)
District Waterways Area Development Agency,
Near Thiruvalluvar Statue, Salem

+1 cc to Mr R. Nalliyappan Advocate sr18628
+1 cc to the Government Pleader High Court Madras
19286

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