

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.32378 of 2018

S.Chandrasekar

... Petitioner

Vs

1. The Government of Tamil Nadu
Represented by its Principal Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The Government of Tamil Nadu
Rep. by its Principal Secretary
cum Commissioner,
Department of Land Administration,
Fort St. George,
Chennai - 600 009.
3. The District Collector,
Collectorate Office,
Coimbatore District - 641 018.
4. The Revenue Divisional Officer,
Coimbatore (North Zone),
Coimbatore.
5. The Tahsildhar,
Taluk Office,
Mettupalayam,
Coimbatore - 641 301.
6. The Block Development Officer,
Block Development Office,
Karamadai,
Mettupalayam,
Coimbatore - 641 104.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing respondents 1 to 3 not to lay roads on the Government 'Palla vaari' lands/water bodies at Survey No.375/1 at Sirumugai Ganesapuram, Seerkodikaal, Illuppanatham Village by considering the petitioner's representation dated 24.10.2018 in order to protect the water bodies and the interest of the farmers.

For Petitioner : Ms.M.Ezhilarasi

For Respondents : Mr.G.K.Muthukumar, Spl GP
for R1 to R5
Mr.V.Jayaprakash Narayanan
for R6

ORDER

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

Seeking a direction to respondents 1 to 3 not to lay roads on the Government 'Palla vaari' lands/water bodies at Survey No.375/1 at Sirumugai Ganesapuram, Seerkodikaal, Illuppanatham Village by considering the petitioner's representation dated 24.10.2018 in order to protect the water bodies and the interest of the farmers, the present writ petition has been filed.

2. The grievance of the petitioner is with respect to the alleged encroachment in the palla vari land which is inclusive of water bodies. It is further the case of the petitioner that attempts are being made to lay road over the same without authority of law.

3. In the counter affidavit filed by the fifth respondent/Tahsildar, the following statements have been made:-

"I submit that S.F.No.375/1 of Illuppanatham village, in Mettupalayam Taluk of Coimbatore District has been classified as "Vaari" vide revenue records. Total extent of the above field is 1.15.5 Hectares. 17 persons encroached the land and living by constructing Cucha Houses. One person had pipeline under the land. Totally there are 18 encroachments for the past 15 years.

I submit that as per the instructions of the High Court of Madras, the necessary action was

initiated to evict the above encroachments by the Tahsildar, Mettupalayam. Notices u/s 7 of Tamilnadu Land Encroachment Act, 1905 were issued by the Tahsildar, Mettupalayam on 18.02.2019. The RI/MTP and VAP/Illupanatham were instructed to Mettupalayam have submitted their report about the encroachers stating that the encroachers refused to receive the notices and hence the VAO and RI pasted the notices in the doors of the concerned encroachers on 19.02.2019. In the above notice, the encroachers were asked to appear in Taluk Office on 04.03.2019 by 11.00 am to show cause why they have not evicted from the above place.

I submit that as per notice served to the encroachers, necessary enquiry will be conducted on 04.03.2019 and suitable severe action will be taken to evict the above 18 encroachments u/s 5 of the Act 3 of Tamilnadu Land Encroachment Act.

I submit that in this connection, I also wish to inform that I have already taken action to give alternative land to the above encroachers after the eviction would be carried out. I have sent a letter to the Executive Engineer, Tamilnadu, Slum Clearance Board, 397A, North Housing Unit, Selvapuram, Coimbatore vide this office Letter Ref.185/2019A1 dated 18.02.2019, requesting him to provide homes to the encroachers in the multi storey building proposed to be constructed by the Slum Clearance Board, in S.F.No.522 of Chikkadasampalayam Village. On receipt of the above letter, officials of Slum Clearance Board also accepted to allot houses to them in the proposed slum clearance buildings."

4. We do not know if the encroachment has been cleared at this time or not. The learned counsel appearing for the petitioner asserts that encroachments have not been removed. If that is the case, the fifth respondent shall continue with the proceedings and conclude the same within a period of eight weeks from the date of receipt of a copy of this order. Needless to state that subject to the final order to be passed, if not passed already, appropriate action will have to be followed.

5. Writ Petition stands disposed of. No Costs.

Consequently, connected W.M.P.Nos.37573 and 37574 of 2018 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssm

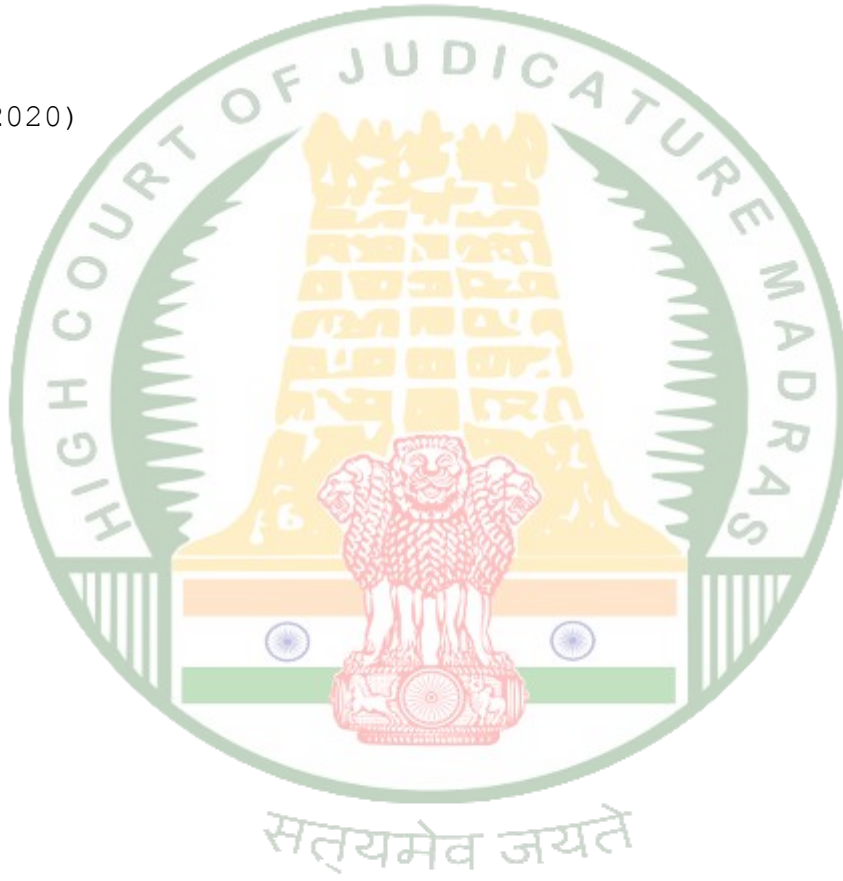
To

1. The Principal Secretary,
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Chennai - 600 009.
2. The Principal Secretary
cum Commissioner,
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6. The Block Development Officer,
Block Development Office,
Karamadai,
Mettupalayam,
Coimbatore - 641 104

+lcc to M/s.M.Ezhilarasi, Advocate, Sr.No.18932
+lcc to M/s.V.Jayaprakash Narayanan, Advocate, Sr.No.19781
+lcc to Government Pleader, High Court, Madras, Sr.No.19298

W.P.No.32378 of 2018

SJ (CO)
GS (27/05/2020)



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