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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-10-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.10205 of 2016

And

WMP No.9059 of 2016

Mr.S.Raja

.. Petitioner

VS.

- 1.The District Collector,
Office of the District Collector,
Salem District - 636 001.
- 2.The District Revenue Officer,
Office of District Collector,
Salem District - 636 001.
- 3.The Revenue Divisional Officer,
Office of Revenue Division,
Office of District Collector Campus,
Salem District - 636 001.
- 4.The Thasildar,
Vazhapady Town and Taluk,
Salem District.
- 5.The District Divisional Engineer,
Highways Department,
Opp: National Hotel,
Salem District - 636 004.
- 6.The Assistant Divisional Engineer,
Highways Department,
Vazhapady Travellers Bungalow,
Vazhapady Town and Taluk,
Salem District.



7.Mr.Semmalai

8.Mr.Govindan

S/o.Mr.Ramasamy

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9.Mr.Pachaiyappan

10.Mr.Govindan,

S/o.Mr.Lakshmana Nadar

11.Mr.Selakkannu

12.Mr.Chennan

13.Mr.Rajendran

14.Mr.Natesan

15.Mr.Pandiselvan

16.The Town Surveyor,
Vellalagundam Village,
Vazhapadi Taluk,
Salem District - 636 111.

17.The Village Administrative Officer,
Vellalagundam Village,
Vazhapadi Taluk,
Salem District - 636 111.

18.The Assistant Engineer,
(Construction and Maintenance),
Highways Vazhapady Taluk,
Salem District - 636 111.

19.The Branch Manager,
Indian Overseas Bank,
Vellalagundam Post,
Vazhapady Taluk,
Salem District - 636 111.

20.The Executive Engineer,
Tamil Nadu Electricity Department,



Vellalagundam Post,
Vazhapady Taluk,
Salem District - 636 111.

21. The Block Development Officer,
Ayodhyapattinam,
Vazhapady Taluk,
Salem District.

(R-21 suo motu impleaded vide order
of Court dated 06.10.2021 in
WP 10205 of 2016)

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 6, 16 to 18 and 21 to consider the representations of the petitioner dated 23.12.2015 and 31.12.2015.

For Petitioner : Mr.Ragavendran for
Mr.M.Vivekanandan

For Respondents-1to6,
16 to 18 and 21 : Mr.C.Kathiravan,
Government Advocate.

For Respondents-7 to 15 : Mr.P.Ravishankar

For Respondent-20 : Mr.M.Abdul Kalam

For Respondent-19 : No Appearance

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 6, 16 to 18 and 21 to consider the representations submitted by the petitioner dated 23.12.2015 and 31.12.2015.

2. The representations submitted by the petitioner reveal that certain illegalities were committed in respect of the Government lands and there was a dispute in the financial transactions within the groups in that particular locality.



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3. When the writ petition is taken up for hearing, shockingly it was informed that the subject lands belong to the Government and few greedy men encroached the Government lands and illegally constructed buildings and interestingly rented out to the Tamil Nadu Electricity Board and to a Nationalised Bank.

4. It is an illegality committed to such an extent that such greedy men have no respect towards Law and gone to the extent of renting out the building to the Government Undertaking, namely, Tamil Nadu Electricity Board and to the Nationalised Bank.

5. It is brought to the notice of this Court that the Nationalised Bank vacated the premises and other private tenants are also in occupation and they are paying the rent. Further, it is informed to this Court that these greedy men collected more than Rs.16 lakhs per month by way of rent. However, now some of the tenants are not paying the rent.

6. The learned counsel for the petitioner states that the villagers have taken a decision to encroach upon the Government lands and leased out the same to the Private Parties. The petitioner has stated that all these facts are available in the affidavit filed in support of this writ petition.

7. If this nature of illegalities are allowed to continue, then these greedy men and the offenders will take the law in their own hands by encroaching such Government properties for their personal gains and therefore, the authorities are bound to act immediately.

8. Unfortunately, in the present case, the Competent Authorities have also miserably failed to initiate action immediately. Contrarily, it is contended that Peace Meetings were conducted with the persons. However, Peace Meetings cannot be conducted in respect of encroachments and illegal utilisation of Government lands by persons in an unjust manner and for personal gains. Thus, the Authorities have also committed serious lapses, negligence and dereliction of duty in the the matter of dealing with such encroachments made in respect of Government lands in favour of the Private Parties and earned huge sum for several years. Such lawless situation can never be allowed nor be condoned.



9. In view of the seriousness involved in the issue, this Court directed Ms.V.Alin Suneja, District Revenue Officer, Salem to be present along with the files in connection with the present writ petition. Accordingly, today i.e., on 06.10.2021, the abovesaid District Revenue Officer, Salem District is present before this Court and submitted the files.

10. It is contended that the show cause notices for eviction in respect of the lands belonging to the Highways Department were issued in the year 2016 itself and in respect of the remaining Government lands, notices are yet to be issued and the District Revenue Officer made a submission that she will take immediate action, so as to ensure that the encroachers are evicted and the use and damage and financial loss caused to the State Exchequer will be recovered by following the procedures.

11. The learned Government Advocate appearing on behalf of respondents 1 to 6, 16 to 18 and 21 contended that some more Government lands are also in encroachments in the adjacent area and those encroachments are also will be identified and all appropriate and necessary actions will be taken to remove the encroachments and utilise the Government lands for public purposes.

12. This being the factum and considering the inaction so far on the part of the official respondents viz., Respondents 1 to 6, 16 to 18 and 21, this Court is inclined to pass the following orders:-

(1) Respondents 1 to 6, 16 to 18 and 21 are directed to evict all the encroachers and take possession of the Government lands and Highways lands. After evicting the encroachments, assessments are to be made in respect of the use and damage and the financial losses caused to the State Exchequer based on the unlawful and unjust encroachments made by encroachers and all further proceedings are to be initiated by following the procedures for recovery of all losses caused to the State Exchequer.

(2) In view of the fact that the second respondent-District Revenue Officer, Salem has informed this Court that immediate actions will be taken to restore the Government lands and Highways lands, no further consideration is required.

(3) The respondents 1 to 6, 16 to 18 and 21 shall



complete the abovesaid exercise, within a period of six months from the date of receipt of a copy of this order.

13. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

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Salem District - 636 001.
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Ayodhyapattinam,
Vazhapady Taluk,
Salem District.

+1cc to Mr.M.Vivekanandan, Advocate, S.R.No.52666

+1cc to Mr.M.Abul Kalam, Advocate, S.R.No.52907

+1cc to the Government Pleader, S.R.No.52807

WP 10205 of 2016

KJ(CO)
SB(27/10/2021)