

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.5741/2021

V.Dinesh

.. Petitioner

Versus

1.The Revenue Divisional Officer
Tiruchengode, Namakkal District.

2.The Tahsildar
Tiruchengode Taluk
Tiruchengode, Namakkal District.

3.Kolandasamy

4.Thamaraikannan

5.Thenmozhi

6.Palanisamy

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to remove the encroachment made by the respondents 3 to 6 in S.NO.411/1, and 1411/18, Moalsi Village, Tiruchengode Taluk, Namakkal District by taking note of the proceed further notice already issued u/s.6 and 7 of Land Encroachment Act to the respondents 3 to 6.

For Petitioner : Mr.C.Prakasam

For RR 1 & 2 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

(1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.

(2)Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 1 and 2.

(3)The petitioner, on an earlier occasion, submitted a representation dated 11.06.2021 to the 2nd respondent for removal of encroachments in S.Nos.406, 407 & 411 of Molasi Village, Tiruchengode Taluk, Namakkal District, through

which the petitioner is having access to his property and based on the communication of 2nd respondent dated 06.08.2019 in O.Mu.No.3064/19/A3, had informed the petitioner that after survey and inspection, necessary steps would be taken to remove the encroachment. The very same official, in yet another Memo dated 08.08.2019 in O.Mu.No.7002/2018/A3, has informed the petitioner as to the removal of the encroachment in Molasi Village Natham S.Nos.406, 407 & 411. Learned counsel would submit that despite the claim of removal of encroachment, huts are put up once again, and in this regard, the petitioner has submitted a representation dated 16.10.2020, for removal of the encroachment and according to the learned counsel for the petitioner, it has been treated as a communication seeking information under the provisions of the Right to Information Act and despite receipt and acknowledgment, no steps have been taken to clear the encroachments and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

- (4) The Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents 1 and 2 and also perused the materials placed before it.
- (5) The learned counsel for the petitioner, on instructions would submit that the petitioner did not encroach upon any land belonging to the Government/Local Body/water way or water channel and the said submission, on instructions, is placed on record.
- (6) Though the petitioner has prayed for a larger relief, this Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 2nd respondent with the aid and help of the revenue records, to cause inspection of the lands in S.Nos.406, 407 and 411 of Molasi Village, Tiruchengode Taluk, Namakkal District and if the result of the inspection reveals any fresh encroachment or re-encroachment, is at liberty to initiate appropriate action in accordance with law, by also adhering to the principles of natural justice and complete the said exercise as expeditiously as possible and not later than twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as respondents 3 to 6.
- (7) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Revenue Divisional Officer
Tiruchengode, Namakkal District.

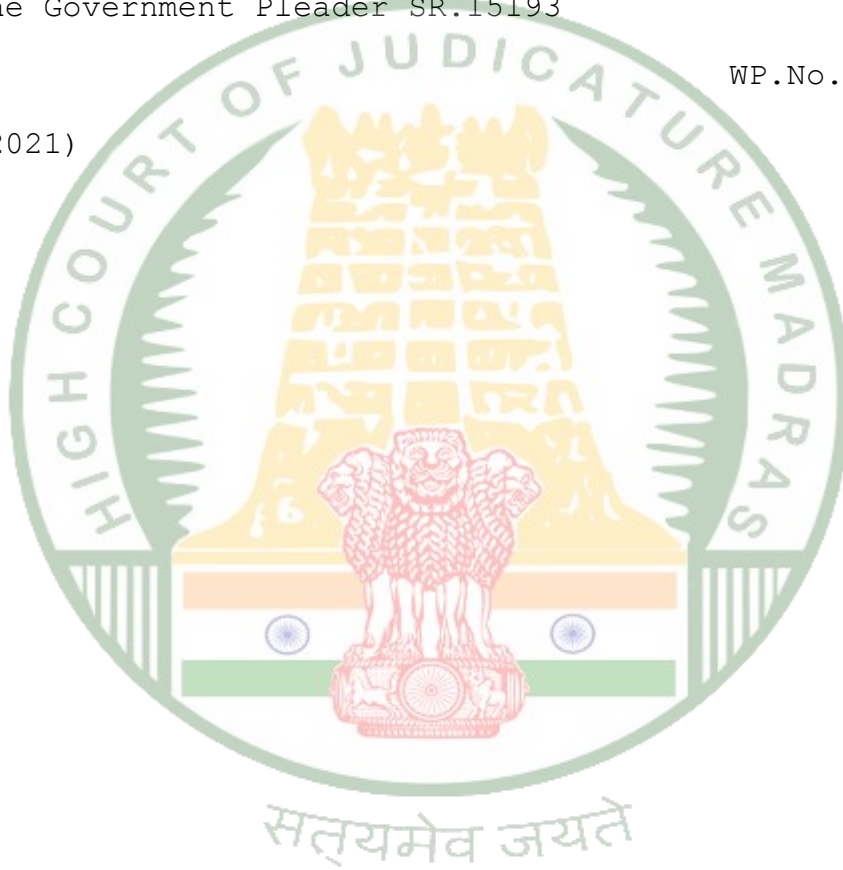
2.The Tahsildar
Tiruchengode Taluk
Tiruchengode, Namakkal District.

+lcc to Mr.C.Prakasam, Advocate SR.15039

+lcc to the Government Pleader SR.15193

WP.No.5741/2021

GPL(CO)
CB(29/03/2021)



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