



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.18400 of 2021

M.Subramanian

...Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Salem.
2. The Sub-Collector,
Mettur,
Salem District.
3. The Assistant Director,
P.A. to District Collector (Land Survey),
Office of the District Collector,
Salem.
4. The Thasildar,
Omalur Taluk,
Salem District.
5. The Block Development Officer
(Village Panchayat)
Omalur Panchayat Union,
Omalur, Salem District.

...Respondents

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the first respondent to initiate removal of encroachment of public road, sewerage waterline and public places by private parties after conducting proper survey in Survey Nos.327 to 332 of P.Nallagoundenpatti Village, Omalur Taluk, Salem District in accordance with law.



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For the Petitioner : Mr.G.Purushothaman
For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner complains of encroachment in the Omalur Taluk of Salem District.

2. The petitioner seeks removal of the encroachers from public roads and paths in S.Nos.327 to 332 of P.Nallagoundenpatti Village in Omalur Taluk.

3. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of the respondents, submits that the fourth respondent Tahsildar would be the appropriate authority to look into the allegation of encroachment.

4. Accordingly, W.P.No.18400 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation in respect of the matter complained of to the fourth respondent Tahsildar within a fortnight from date. The fourth respondent Tahsildar will conduct an inquiry to ascertain whether there is any encroachment as complained of. The Tahsildar will follow the procedure established by law and issue due notice before taking action. If the Tahsildar finds that there is any encroachment, immediate appropriate measures need to be taken in accordance with law for the removal thereof, particularly from the path of any sewer or flowing water.

5. It is hoped that the entire exercise is completed by the Tahsildar within a period of 12 weeks of the receipt of the petitioner's representation in terms of this order. It is also made clear that the merits of the allegations have not been gone into and it will be for the Tahsildar to ascertain facts before initiating any action.

There will be no order as to costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar



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+1 CC to M/s.G.Purushothaman, Advocate, Sr.No. 44378.
+1 CC to The Government Pleader, Sr.No. 44300.

W.P.No.18400 of 2021

RLD(CO)
LS(13/09/2021)