



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.14403 of 2021

Palanisamy Gounder

... Petitioner

Vs

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Tahsildar,
Kangayam Taluk, Kangayam,
Tiruppur District.

3.Ramasamy Gounder

4.The Block Development Officer,
Kangayam Taluk, Kangayam,
Tiruppur District.

(R4 is suo motu impleaded vide order dated
14.07.2021 passed in W.P.No.14403 of 2021)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, praying for issuance a Writ of Mandamus,
directing the Respondents 1 and 2 to remove the encroachment
made by the 3rd respondent in S.No.151, Neickaranpalayam,
Alambadi Village, Kangayam Taluk, Tiruppur District.

For Petitioner : Mr.C.Prakasam.

For Respondents : Mrs.R.Anitha, State Government
Counsel for R1, R2 & R4.

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".

2.The Petitioner has come before this Court seeking Writ of
Mandamus, directing the Respondents 1 and 2 to remove the
encroachment made by the 3rd respondent in S.No.151,
Neickaranpalayam, Alambadi Village, Kangayam Taluk, Tiruppur
District.



3.It is stated that the Third Respondent has encroached upon the Government Natham Poromboke land comprised in S.No.151, Neickaranpalayam, Alambadi Village, Kangayam Taluk, Tiruppur District. Hence, the Petitioner has made a representation and based on the representation of the Petitioner, the Second Respondent sent communication to the Deputy Tahsildar on 24.12.2020 to take appropriate action. Accordingly, the officials inspected the property and found that the Private Respondent has encroached upon the Government Natham Poromboke land and removed the same. However, it is stated that again the Third Respondent has encroached upon the property and erected fencing on the pathway, which is evident from the photographs filed by the Learned Counsel for the Petitioner. Hence, the Petitioner has come before this Court.

4.Heard Mr.C.Prakasam, Learned Counsel for the Petitioner and Mrs.R.Anitha, Learned State Government Counsel for the Respondents 1, 2 and 4.

5.Considering the above said facts and circumstances, since the Block Development Officer is a necessary party to the proceedings, this Court, suo motu, impleads, "The Block Development Officer, Kangayam Taluk, Kangayam, Tiruppur District" as Fourth Respondent. The newly impleaded Fourth Respondent and the Second Respondent are directed to conduct inspection of the property comprised in S.No.151, Neickaranpalayam, Alambadi Village, Kangayam Taluk, Tiruppur District after giving notice to the Petitioner, Third Respondent and concerned parties and find out whether the Third Respondent has again encroached upon the said property or any other third party has encroached and if encroachments are found, the Respondents 2 and 4 are directed to take action to remove the same, after following the due process of law, within a period of eight weeks from the date of receipt of a copy of this order.

6.It is made clear that if it is found that the Third Respondent after being evicted from the encroached portion, has again encroached upon the Government Natham Poromboke land by putting fencing or the Petitioner or any other third party has encroached upon the said land, penal action is directed to be taken against the said person apart from removing the encroachments, after following the due process of law.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



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To

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Tahsildar,
Kangayam Taluk, Kangayam,
Tiruppur District.

3.The Block Development Officer,
Kangayam Taluk, Kangayam,
Tiruppur District.

+1 cc to Spl Government Pleader Sr.No. 33502

W.P.No.14403 of 2021

SR II(CO)
B.VC(10.08.2021)