

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.16254 of 2021

A.Radhakrishnan,

...Petitioner

Vs.

- 1.The Secretary to Government,
Revenue Department
Secretariat,
Chennai - 600 009.
- 2.The Secretary to Government,
Home Department,
Secretariat,
Chennai - 600 009.
- 3.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 600 009.
- 4.The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.
- 5.The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005
- 6.The Director of Survey and Settlements,
Chepauk,
Chennai - 600 005.

- 7.The Commissioner of Archeology,
Egmore,
Chennai - 600 007.
- 8.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai - 600 004.
- 9.The District Collector,
Salem.
- 10.The District Revenue Officer,
Salem - 636 001.
- 11.The Revenue Divisional Officer,
Salem - 636 001
- 12.The Tahsildar,
Salem - 636 007.
- 13.The Commissioner of Police,
Salem - 636 006.
- 14.The Special officer cum Commissioner,
Salem City Municipal Corporation,
Salem - 636 001.
- 15.The Chief Engineer (Distribution),
Tamil Nadu General and Distribution Corporation Limited.
Erode - 638 009.
- 16.Rt.Rev.Timothy Ravinder,
Bishop of Coimbatore,
Diocese of Church of South India,
Bishop's house, 256 Race course Road,
Coimbatore - 641 018.
- 17.Rev. J. Jawahar Wilson Asir David,
Presbyter/Chairman,
C.S.I.Christ Church,
Fort, Salem - 636 001
- 18.Krishnan

19.Murugesan @ Pandian
20.Pandiyarajan
21.Pusparani
22.Rajeswari
23.Dhanalakshmi

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to directing the respondents 9 to 15 to remove the encroachments in T.S.No.1, Block - 16, Old Ward G, Salem Town made by the respondents 18 to 23 and other encroachers by considering the 9th respondent's proceedings in Na.Ka.No.34332/2020/K4 dated 15.04.2021 and also by considering petitioner's representation dated 23.12.2020.

For petitioner : Mr.A.Marudhachalamurthy

For respondents : Mr.D.Ravichander
Govt. Counsel (for R1 to R13)

Mr.S.Sathish for (for R14)

Mr.Jai Venkatesh (for R15)

Mr.S.P.Yuvaraj (for R17)

Ms.Zeenath Begum (for R18 to R23)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

This writ petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents 9 to 15 to remove the encroachments in T.S.No.1, Block - 16, Old Ward G, Salem Town made by the respondents 18 to 23 and other encroacher, by considering the 9th respondent proceedings in Na.Ka.No.34332/2020/K4 dated 15.04.2021 and also by considering petitioner's representation dated 23.12.2020.

2.It is represented by Mr.S.P.Yuvaraj learned counsel appearing for the 17th respondent that the land in dispute is being used as cemeteries and same is maintained by the 17th respondent. Since there was encroachment in the said land, the 17th respondent instituted the suit O.S.No.789 of 2009 before the II Additional District Munsif, Salem, against the private respondents for recovery of possession. The said suit was

decreed and the same was confirmed by this Court in S.A.No.1400 of 2011. It is further submitted that based on the decree obtained in the suit, the 17th respondent filed execution petition REP No.258 of 2010 in O.S.No.789 of 2009 and delivery was also ordered by the Executing Court.

3.In the light of the above stated facts, we find no merit in this writ petition and hence, the same is dismissed. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

skn

To

- 1.The Secretary to Government,
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Chennai - 600 009.
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Chennai - 600 009.
- 3.The Secretary to Government,
Municipal Administration and Water Supply Department,
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- 4.The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.
- 5.The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005

- 6.The Director of Survey and Settlements,
Chepauk, Chennai - 600 005.
- 7.The Commissioner of Archeology,
Egmore, Chennai - 600 007.
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- 14.The Special officer cum Commissioner,
Salem City Municipal Corporation,
Salem - 636 001.
- 15.The Chief Engineer (Distribution),
Tamil Nadu General and Distribution Corporation Limited.
Erode - 638 009.

Copy To

The II Additional District Munsif,
Salem.

+1cc to Mr.Marudhachalamurthy, Advocate SR.No.45313
+1cc to M/s.Zeenath Begum, Advocate SR.No.45081
+1cc to the Government Pleader SR.No.45575

W.P.No.16254 of 2021

MG(CO)
RVM(30/09/2021)