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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.08.2021

CORAM:

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

W.P. No.17834 of 2021

K.Dhanapal

...Petitioner

Versus

1. The District Collector,
Salem District Collector Office,
Salem.
2. The Superintendent of Police,
Nethimedu, Salem District, Salem.
3. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Mettur Dam 636401,
Salem District.
4. The District Adidraavidar and Welfare Officer,
O/o.Salem District Collector Office,
Salem.
5. The Special Tahsildar,
Adi-Dravidar and Welfare Department,
Omalur, Salem District.
6. The Tahsildar,
Kadaiyampatti Taluk,
Kadaiyampatti,
Salem District.
7. The Inspector of Police,
Deevattipatti Police Station,
Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to remove the encroachment made on the western side in respect of Survey No.407/1 of Thumbipadi Village, Kadaiyampatti Taluk, Salem District, based on the representation of the petitioner dated 05.08.2021 along with 7th



respondent Police aid within stipulated time may be fixed by this Court.

For petitioner : Mr.M.Senthil Kumar
For respondents : Mr.K.V.Sanjeev Kumar,

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ORDER

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

The Writ Petition is heard through video conferencing.

2. The prayer in the Writ Petition is to issue a Writ of Mandamus, directing the respondents to remove the encroachment made on the western side in respect of Survey No.407/1 of Thumbipadi Village, Kadayampatti Taluk, Salem District, based on the representation of the petitioner dated 05.08.2021.

3. The petitioner would claim that he is serving social work in his area for the past 20 years and he is also the 14th Ward Member of Thumbipadi Village. It is his further case that the land in Survey No.407/2 was acquired by the Department of Adi Dravidar Welfare and the same was allotted for residential plots to the people of Reddiyur Colony. A portion of the land is used for transportation of the people of Adi Dravidar Colony.

4. The petitioner would state that the Salem District Panchayat has allotted funds for laying drinking water pipe line in the said Thumbipadi Village. However, it could not be executed since the land was under the encroachment of 85 people. It is further stated that 82 persons have voluntarily vacated the place, but due to the reason that still 3 persons are squatting on the property, the project could not be implemented, hence, he made a representation to the respondents. But it was not considered, hence the present Writ Petition.

5. The learned counsel appearing for the petitioner Mr.Senthilkumar, submitted that it would suffice if a suitable direction is issued to the sixth respondent to consider the representation of the petitioner.

6. Mr.K.V.Sanjeev Kumar, learned Standing Counsel appearing for the respondents on instruction would state that out of 85 encroachers, 82 have already been vacated and the sixth respondent is taking effective steps to evict the remaining 3 encroachers.

7. In the light of the above submissions made on either side and also considering the nature of prayer sought for in the Writ petition, this Court without expressing any opinion on the merits of the matter, directs the sixth respondent to take



action on the basis of the representation of the petitioner dated 05.08.2021 in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order, after providing opportunity to the necessary parties.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pvs

To

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+1cc to Mr.M.Senthil Kumar, Advocate, Sr.42914

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SS[co]

NSK 23/09/2021