



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.NO.20259 OF 2021

R.Rajendran

.. Petitioner

.Vs.

1. The Revenue Divisional Officer
Madurantakam, Chengalpattu District.
2. The Tahsildar
Madurantakam Taluk
Chengalpattu District.
3. Kumutha @ Aarlicks
4. Rani
5. Vasantha
6. Elumalai

.. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first and second respondents herein to remove the encroachment made by private respondents 3 to 6 herein over the government Kallankoothu Poramboke property situated at Malaipalayam Village, Madurantakam Taluk, Chengalapattu District comprised in Survey No.595/1B admeasuring to an extent of 31 ares, on the basis of the petitioner's representation dated 05.08.2021.

For the Petitioner : Mr.K.Thilagaraaj

For the Respondents 1&2 : Ms.R.Anitha
Counsel for State



ORDER

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

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The grievance of the petitioner is that despite the official respondents, in course of their inquiries, discovering that the private respondents had encroached into government poramboke land at Malaipalayam Village, Madurantakam Taluk of Chengalapattu District, the encroachments have not been removed.

2. The petitioner says that a complaint has been lodged upon one of the encroachers seeking to commit suicide by setting herself on fire. The petitioner says such action deterred the official respondents from proceeding with the matter any further.

3. Ms.Anitha, learned counsel for the State, takes notice on behalf of the first and second respondents and says that such respondents would be the appropriate authorities to take necessary action. However, learned advocate points out that in view of the model code being put in place as the local bodies' elections are due, appropriate measures can only be taken after October 16, 2021.

4. In view of the order that is proposed to be made, no previous service is required to be effected on the private respondents.

5. The first and second respondents will further inquire into the matter to ascertain whether the private respondents have, in fact, encroached on any government land and, for such purpose, previous notice will be issued to the private respondents. If the private respondents are found to have encroached into government land, necessary steps in accordance with law must be taken within eight weeks of October 16, 2021. Merely because an encroacher threatens to commit suicide, does not mean that the State machinery cannot take appropriate steps to remove such encroacher from revenue land.

W.P.No.20259 of 2021 is disposed of without any order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra/kst



To:

1. The Revenue Divisional Officer
Madurantakam, Chengalpattu District.

2. The Tahsildar
Madurantakam Taluk
Chengalpattu District.

+1cc to the Government Pleader, S.R.No.49098

W.P.No.20259 of 2021

GMR (CO)
CS/29/09/2021