



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.19735 of 2021

P.Selvaraj ... Petitioner

-VS-

- 1 The District Collector,
O/o. the District Collector,
Kallakurichi and District.
- 2 The Tahsildar,
O/o. the Tahsildar, Sankarapuram Taluk
Kallakurichi and District.
- 3 Chinnappan
- 4 John Peter
- 5 Yesuraj
- 6 Pangirasu
- 7 Arokiyaraj ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st Respondent to remove the encroachment made by the Respondents 3 to 7 in the Government Porampoke land in survey No. 365 to an extent of 15 cents situated at Pazhaiyasiruvangur Village, Sankarapuram Taluk, Kallakurichi District.

For the Petitioner : Mr.G.Balamanikandan

For the Respondent : Mr.P.Muthukumar,
State Government Pleader,
for RR 1 and 2

ORDER

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

The petitioner complains of encroachment in a waterbody at Survey No.365 in Pazhaiyasiruvangur Village of Sankarapuram Taluk at Kallakurichi District.



2. Mr.P.Muthukumar, learned State Government Pleader, takes notice on behalf of the respondent Nos.1 and 2 and submits that in view of the coming local body elections, the Tahsildar, who would be the appropriate person to look into the matter, should be afforded a little more time than is usually permitted in such matters.

3. In view of the order proposed to be made, no previous notice is required to be issued to the private respondent Nos.3 to 7, though the petitioner will be obliged to immediately forward copies of the petition and this order to such respondents.

4. Without going into the merits of the petitioner's allegations, the petitioner is permitted to carry a fresh, detailed representation pertaining to the matters complained of herein to the Tahsildar, Sankarapuram Taluk, within four weeks from date, whereupon the Tahsildar will conduct an inquiry, upon notice to the private respondents and others likely to be affected by any action that may be taken. In the event any encroachment is discovered, the Tahsildar should take immediate appropriate steps in accordance with law to remove the same or refer the matter to the appropriate authority within a period of eight weeks after the period covered by the model code of conduct pertaining to the local body elections hence.

W.P.No.19723 of 2021 is disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

sra
To:

- 1 The District Collector,
O/o. the District Collector,
Kallakurichi and District.
- 2 The Tashildar,
O/o. the Tahsildar, Sankarapuram Taluk
Kallakurichi and District.

+1CC to M/s.G.Balamanikandan, Advocate, SR.No. 47406
+1CC to The Government Pleader, SR.No. 47572

W.P.No.19735 of 2021

SV I(CO)
B.VC (28/09/2021)