



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.11.2021

CORAM :

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

WP No.24072 of 2021

S.Prabakaran

..Petitioner

Vs.

1. The District Collector,
The District Collector's Office,
Salem.
2. The Revenue Divisional Officer,
The Revenue Divisional Officers'
Office, Attur, Salem.
3. The Tahsildar,
The Tahsildar's Office,
Attur, Salem.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachments in S.F.No.323/5B in Paithur Village of Attur Taluk of Salem District and consequently remove all the illegal constructions and developments made by the encroachers in the above said survey number.

For the Petitioner : Mr.C.Vigneswaran

For the Respondents : Mr.C.Harsha Raj
Counsel for State
for Respondents 1 to 3

ORDER

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

The grievance of the petitioner is that the respondents have paid no heed to the several complaints of the petitioner that land in S.F.No.323/5B in Paithur village of Attur Taluk, Salem District has been occupied by squatters and encroachers.

2. Mr.Harsha Raj, learned counsel, takes notice on behalf of the respondents and submits that a preliminary inquiry reveals that the encroachers are homeless persons who demand patta in



their favour. However, the Tahsildar has to take a preliminary decision in the matter in conjunction with the elected representatives.

3. Accordingly, WP No.24072 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation pertaining to the matters complained of herein to the third respondent Tahsildar of Attur within four weeks from date. Immediately upon receipt of the representation, the concerned Tahsildar will commence an inquiry upon due notice to the petitioner, the perceived encroachers and others likely to be affected by the inquiry. In the event the Tahsildar discovers any encroachment, he should report the matter to the superior officials for immediate appropriate action for removal thereof in accordance with law. If the homeless persons need to be relocated, an action plan in such regard ought to be prepared as expeditiously as possible. If the relevant persons qualify to obtain patta, such aspect of the matter should also be looked into.

4. At any rate, the Tahsildar's final report upon the inquiry should be forwarded to the petitioner herein, the perceived encroachers and others affected thereby within a period of 12 weeks of the receipt of the representation in terms of this order.

There will be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The District Collector,
The District Collector's Office, Salem.
2. The Revenue Divisional Officer,
The Revenue Divisional Officers'
Office, Attur, Salem.
3. The Tahsildar,
The Tahsildar's Office, Attur, Salem.

+1cc to Mr.C.Vigneswaran, Advocate, S.R.No.58254

WP No.24072 of 2021

RLD(CO)

RGA(18/11/2021)