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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 13.12.2021

CORAM

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

W.P.No.26442 of 2021

G.Rajasekar

... Petitioner

-vs-

1. The District Collector
O/o District Collector
Salem District - 636 001.

2. The Tahsildar
Omalur Taluk
Salem District.

3. The Revenue Inspector
Karuppur Village
Omalur Taluk
Salem District.

4. C.Soundararajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner representation dated 22.07.2021 seeking to take appropriate action against the encroachment made by the 4th respondent.

For petitioner : Mr.J.Rajmohan

For respondents : Mr.R.Siddharth,
Government Advocate for RR1 to 3

ORDER

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

By consent, this writ petition is taken up for final disposal, at the admission stage itself.



2. Heard, Mr.J.Rajmohan, learned counsel appearing for the petitioner and Mr.R.Siddharth, learned Government Advocate appearing for the respondents 1 to 3.

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3. The petitioner has come up with this writ petition for issuance of writ of mandamus, directing the respondents 1 to 3 to consider the representation dated 22.07.2021 of the petitioner.

4. It is the case of the petitioner that he is residing at Thattanchavadi, Kollapatti Panchayat, Omalur Taluk, Salem District, and the 4th respondent is the Panchayat President. According to the petitioner, a land measuring to an extent of 9 Hectares and 29.5 Ares in the said village has been classified as 'Government land', where the 4th respondent has encroached and constructed a Kalyana Mandapam namely, Shi Gokul Thirumana Mandapam. It is further stated that the representation of the petitioner for removal of encroachment was not properly acted upon by the respondents 1 to 3. Hence, the present writ petition.

5. Mr.J.Rajmohan, learned counsel for the petitioner would state that it would suffice if a direction is issued to the 2nd respondent to act on the representation of the petitioner.

6. Mr.R.Siddharth, learned Government Advocate appearing for the respondents 1 to 3 on instructions would state that not only the 4th respondent, but about 40 persons have encroached upon the land and the Kalyana Mandapam constructed by the 4th respondent is unauthorized one. He would further submit that proceedings have been initiated to remove the encroachment, by following due process of law. It is also stated that there is a proposal for issuance of patta for the landless people, in the locality.

7. In the light of the submissions made by the learned Government Advocate, this writ petition is disposed of, directing the 2nd respondent to consider the representation of the petitioner dated 22.07.2021 and take appropriate action, after affording ample opportunity to all the necessary parties concerned. It is needless to mention that if the encroachers are landless and eligible for issuance of patta, their case can be considered in accordance with law.



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8. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Jer

To

1. The District Collector
O/o District Collector
Salem District - 636 001.
2. The Tahsildar
Omalur Taluk
Salem District.
3. The Revenue Inspector
Karuppur Village
Omalur Taluk
Salem District.

+2ccs to Mr.J.Rajmohan, Advocate, S.R.No.66903

+1cc to the Government Pleader, S.R.No.66624

W.P.No.26442 of 2021

SVI (CO)
SU (10/01/2022)