



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.NOS.27423 AND 24878 OF 2018

W.P.No.27423 of 2018:

M.Selvam

...Petitioner

Vs

1. The District Collector,
Vellore District,
Vellore.
2. The Block Development Officer (Scheme),
Katpadi Taluk,
K.V.Kuppam Block,
Katpadi Road,
K.V. Kuppam, Vellore District.
3. The Tahsildar,
Gudiyatham Taluk,
Gudiyatham,
Vellore District.
4. Baskar

...Respondents

W.P.No.24878 of 2018:

1. C.Subramani
2. D.Baskaran

...Petitioners

Vs



1. The District Collector,
Vellore.
2. The Tahsildar,
Gudiyattam Taluk,
Vellore District.
3. The Block Development Officer,
Nagal Village Panchayat,
Gudiyattam Taluk,
Vellore District.

...Respondents

Prayer: W.P.No.27423 of 2018 filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to remove the encroachment in government land comprised in S.No.126, Nagal Village, K.V. Kuppam Block, Gudiyatham Taluk, Vellore District and to consider to construct Group Houses and allot the same to the shelter less penury schedule tribe families (Irular community) under the PMY scheme as per the resolution dated 01.08.2018 passed by the second respondent.

W.P.No.24878 of 2018 filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents, their men, servants, agents, staff from interfering with the petitioners' right in the land situate in S.No.126 of No.31, Nagal Village, Gudiyattam Taluk, Vellore District of an extent of 4.61 acres and digging huge pits for storing wastage heaps and garbage.

For the Petitioner in : Mr.S.N.Kirubanandam
W.P.No.27423 of 2018

For the Petitioners in : Mr.D.Rajagopal
W.P.No.24878 of 2018

For Respondents 1 to 3 : Mr.P.Muthukumar
in W.P.No.27423 of State Government Pleader
2018 and Respondents 1
and 2 in W.P.No.
24878 of 2018

For 3rd Respondent in : Mr.R.Govindasamy
W.P.No.24878 of 2018



COMMON ORDER

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

The grievance in W.P.No.27423 of 2018, apparently filed in public interest, is that government land in Survey No.126, No.31 Nagal Village, K.V.Kuppam Block, Gudiyatham Taluk of Vellore District has been encroached upon and the land is necessary for the purpose of a housing scheme which cannot take off since the relevant authorities have not taken any steps to remove the encroachments.

2. W.P.No.24878 of 2018 seeks a direction on the respondent authorities, including the concerned Block Development Officer of Gudiyatham Taluk, to forbear from interfering with the petitioners' possession in a part of the land bearing Survey No.126.

3. Mr.Muthukumar, learned Government Pleader, appears on behalf of the District Collector, the Tahsildar and the Block Development Officer in the earlier petition; and Mr.Govindasamy, learned counsel, appears on behalf of the Block Development Officer in the later petition.

4. Without going into the veracity of the allegation of encroachment, it is imperative that the Tahsildar, Gudiyatham Taluk should immediately conduct an inquiry upon notice to the petitioners in both cases, to ascertain whether any part of the government land at Survey No.126 of No.31, Nagal Village has been encroached upon. If any encroachment is discovered, the Tahsildar and, thereafter, the concerned Block Development Officer will take immediate appropriate steps in accordance with law to rid the land of encroachment. Appropriate action in such regard should be taken such that all encroachment in the land bearing Survey No.126 is removed within 12 weeks from date. There is no doubt that every perceived encroacher will be given notice and an opportunity to present his case before any action against such encroacher is taken.

W.P.Nos.27423 and 24878 of 2018 are disposed of. W.M.P.Nos.26010 of 2019, 28919, 28920 and 28921 of 2018 are closed.

There will be no order as to costs.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To:

1. The District Collector,
Vellore District,
Vellore.
2. The Block Development Officer (Scheme),
Katpadi Taluk,
K.V.Kuppam Block,
Katpadi Road,
K.V. Kuppam, Vellore District.
3. The Tahsildar,
Gudiyatham Taluk,
Gudiyatham,
Vellore District.
4. The Block Development Officer,
Nagal Village Panchayat,
Gudiyattam Taluk,
Vellore District.

+1cc to Mr.S.N.Kirubanandam, Advocate, S.R.No.46425

+1cc to Mr.D.Rajagopal, Advocate, S.R.No.46414

+1cc to the Government Pleader, S.R.No.46840

W.P.Nos.27423 and 24878 of 2018

PA(CO)
RLP(22/09/2021)