



W.P.(MD) No.10504 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2021

CORAM:

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and**

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.10504 of 2021

V.Velmurugan

... Petitioner

-vs-

1.The Government of Tamil Nadu
Rep.by its Secretary to Government
Revenue Department
Secretariat, Chennai-600 009

2.The District Collector
Theni District
Theni

3.The District Revenue Officer
Theni District, Theni

4.The Superintendent of Police
Theni District, Theni

5.The Tahsildar
Uthamapalayam Taluk
Uthamapalayam
Theni District

6.The Executive Officer
Kombai Town Panchayat
Kombai, Theni District

7.The Inspector of Police
Thevaram Range
Thevaram Post 625 530
Theni District

8.R.K.Raju @ Methai Raju

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 7 to take action to remove the encroachments made in Government Natham Poramboke Land in Survey No.3693/62, Kombai Village, Theni District, land measuring 0.03.06 hectare by the private respondent or any



other person and thus giving effect to the order passed by the third respondent vide proceedings in Na.Ka.No.400070/2020/A4, dated 05.02.2021, within a reasonable time period to be fixed by this Court.

For Petitioner : Mr.N.Dilip Kumar
for Mr.Shenbagalingam.B.
For Respondents : Mr.R.Baskaran
Standing Counsel for Government
for R1 to R7

O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The grievance of the petitioner is that the encroachments made in Government natham poramboke land in Survey No.3693/62 in Kombai Village, Theni District, have not been removed, despite an enquiry revealing the extent of the encroachments.

2. There is no doubt that the second surge of the pandemic prevented appropriate steps being taken. Further, there is an omnibus order passed in *suo motu* proceedings by this Court at its Principal Seat requiring no immediate steps to be taken for removal of encroachments till June 30, 2021. The *suo motu* petition is due to appear next on June 29, 2021. Subject to the extended period that may be directed by the order passed in such proceedings, the respondent authority should ensure that the encroachments are removed as expeditiously as possible.

3. It is made clear that there should be little tolerance for encroachments on any Government land and waterbodies and all revenue officials should remain vigilant and ensure that Government land is not squatted or encroached on.

4. This writ petition is disposed of without notice to the eighth respondent, said to be an encroacher, since the respondent authorities should afford an opportunity of hearing to the eighth respondent before directing his removal.

5. W.P.(MD) No.10504 of 2021 is disposed of without any order as to costs.

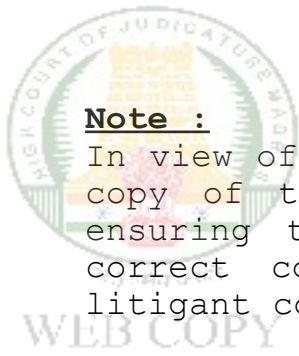
Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To:

1.The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai-600 009.

2.The District Collector,
Theni District,
Theni.

3.The District Revenue Officer,
Theni District, Theni.

4.The Superintendent of Police,
Theni District, Theni.

5.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

6.The Executive Officer,
Kombai Town Panchayat,
Kombai, Theni District.

7.The Inspector of Police,
Thevaram Range,
Thevaram Post 625 530,
Theni District.

+1 CC to M/s.J.SHENBAGA LINGAM, Advocate (SR-20276[F] dated 25/06/2021)

+1 CC to M/s.SPL GP (SR-20451[F] dated 28/06/2021)

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KB(01.07.2021) 3P 10C