



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU
W.P.No.560 of 2022

R.Ashok Kumar

.. Petitioner

vs

1. The District Collector,
Office of the District Collector,
Namakkal District.
2. The Thasildar,
Office of Thasildar, Senthamangalam
Taluk, Namakkal District.
3. The Village Administrative Officer,
Bodinayakkampatti,
Namakkal District.
4. The District Forest Officer,
Namakkal Division, Collectorate Campus,
Thiruchengode Road, Namakkal-637 003.
- 5.Pappu
- 6.Subramanian
- 7.Govindhan
- 8.Manjula
- 9.Senthilkumar
- 10.Saraswathi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to take action under the Tamil Nadu Land Encroachment Act, 1905 against the Respondents 5 to 10 for encroachment of the Government land situated in Survey No.155 & 156 at Gejakombai Village, Sendamangalam Taluk, Namakkal District within a time-frame to be fixed by this Court pursuant to petitioner's representation dated 28.08.2021.

For the Petitioner : Mr.B.Barath Kumar



For the Respondents

: Mrs.E.Ranganayaki
Addl.G.P. For RR 1 to 4

ORDER

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

The writ petition has been filed to seek a direction on respondent Nos.1 and 2 to take action against the encroachers for encroaching the land in Survey Nos.155 and 156 at Gejakombai Village, Sendamangalam Taluk, Namakkal District.

2. Learned Additional Government Pleader appearing for respondent Nos.1 to 3 and the learned Government Advocate appearing for respondent No.4 submit that action has already been initiated against the encroachers with notice being issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and it has also been served on them on 08.11.2021. The further process, as per law, would be taken expeditiously. In view of the above, the prayer is to dismiss the writ petition. As action has already been initiated by the respondents, no direction is required to be given, as prayed for by the petitioner.

3. We have considered the submissions of the parties and find that the writ petition has been filed to seek a direction on respondent Nos.1 and 2 to take action against the encroachers. The encroachers have been made parties to the writ petition and finding that respondent Nos.1 and 2 have already initiated action against the encroachers/respondents 5 to 10 herein and thereby they have been served with the notice under Section 7 of the Tamil Nadu Land Encroachment Act, a notice on this writ petition is not required to be issued on them because they would be heard in the proceedings under Section 7 of the Tamil Nadu Land Encroachment Act.

Accordingly, we dispose of the writ petition with a direction to respondent Nos.1 and 2 to proceed with the matter in accordance with the provisions of law and after affording an opportunity of hearing to respondent Nos.5 to 10, necessary orders may be passed. The proceedings aforesaid would be conducted expeditiously and in any case, to be completed by 28.02.2022. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



sra

To:

1. The District Collector,
Office of the District Collector,
Namakkal District.
2. The Thasildar,
Office of Thasildar, Senthamangalam
Taluk, Namakkal District.
3. The Village Administrative Officer,
Bodinayakkampatti,
Namakkal District.
4. The District Forest Officer,
Namakkal Division, Collectorate Campus,
Thiruchengode Road, Namakkal-637 003.

+1cc to Mr.B.Barath Kumar, Advocate, S.R.No.3235

+1cc to the Special Government Pleader, (Forest) S.R.No.3302

+1cc to the Government Pleader, S.R.No.3671 [29/04/2022]

W.P.No.560 of 2022

EV (CO)

CT 25/01/2022