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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.6620 of 2022 and W.M.P. No.6708 of 2022

V.Kumar

... Petitioner

vs

- 1.The District Collector,
Salem District, Salem.
- 2.The Commissioner of Police,
Salem.
- 3.The Block Development Officer,
Omalur Taluk,
Salem District.
- 4.The Tahsildar,
Omalur Taluk,
Omalur, Salem District.
- 5.The Sub Collector,
Mettur-636 401.
- 6.Sampooranam M
- 7.Manikandan
- 8.Jeevanantham
- 9.Thamaraiselvan
- 10.Sankar
- 11.Subramani
- 12.Balakrsihan
- 13.Vijayakumar
- 14.Raj
- 15.Subramani



17.Munusamy

18.Perumal

19.Amirtham @ Sakunthala

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 6 to take necessary action against the encroachers/respondents 7 to 19 and to survey the boundaries of land in 68/1,9, 69/1,20,28, 70/1, 71/15,16, 73/7, 13, 14 and 74/8 of Manguppai Village, Omalur Taluk, Salem District and remove the encroachments in the said survey and then carryout the alignment for sewerage tank and direct the respondents to allot 1 acre of land in Manguppai Village for the purpose of burial ground to perform last rites for the deceased persons within a stipulated time.

For Petitioner : Mr.N.Naganathan

For Respondents: Mr.A.Selvendran,
Special Government Pleader
for R1 to 5

ORDER

[Order of this Court was delivered by T.RAJA, J.]

V.Kumar, resident of Manguppai Village, Omalur Taluk, Salem District, the petitioner herein has come to this Court with this petition for issuance of a writ of Mandamus directing respondents 1 to 6 to take necessary action against the encroachers/respondents 7 to 19 and to survey the boundaries of land, covered in Survey Nos.68/1,9, 69/1,20,28, 70/1, 71/15,16, 73/7, 13, 14 and 74/8, situated at Manguppai Village, Omalur Taluk, Salem District and remove the encroachments in the said survey and then carryout the alignment for sewerage tank and to allot 1 acre of land in Manguppai Village for the purpose of burial ground to perform last rites for the deceased persons within a stipulated time.

2.Learned counsel appearing for the petitioner submitted that the petitioner is one of the residents of the Kamarajar Colony, Manguppai Village, Saminaickenpatti Post, Omalur Taluk, Salem District, where 250 families are residing. However, the Government of Tamil Nadu had allotted 5 cents of land for each family in Old S.Nos. 50/5,6,7 and 51/2 and Present S.Nos.68/1,9, 69/1,20,28, 70/1, 71/15,16, 73/7, 13, 14 and 74/8, situated at Manguppai Village, Omalur Taluk, Salem District for the depressed class people i.e. Scheduled Caste members on 26.06.1968 by Proceedings issued by the Special Magistrate in respect of about 42 families. Learned counsel for



the petitioner further submitted that there are four big streets in Kamarajar Colony and a Kamarajar Statue was erected by the Government of Tamil Nadu in the said area and that one big street is running from a tank to Kamarajar Statue, measuring 12.5 meter wide and other streets are about 6, 7 or 7.5 meters wide and the Government allotted 50 cents of land in and around the Kamarajar Statue, which is being used for village functions and temple functions and playground for kids. However, the said public land and the common street area have been encroached by respondents 7 to 19 and others, by constructing concrete building structure, causing severe inconvenience and hardship to the village public. In this regard, the petitioner and others have made representations to the official respondents for allotment of land for burial ground for the people living in the said village and for removing the encroachments. As the same have not been considered, the petitioner is before this Court.

3.Learned Special Government Pleader appearing for respondents 1 to 5, placing on record a written instruction dated 23.03.2022 received from the Tahsildar, Omalur Taluk, submitted that the grievance of the petitioner would be redressed, after undertaking a survey with the surveyor along with the Tahsildar and the Block Development Officer. After survey, if it is found to be an encroachment, as alleged by the petitioner, the same shall be removed, as per law. With regard to the prayer for allotment of land for burial ground, since local body election has been held, the same would be placed before the Executive Authority of the Village Panchayat. Therefore, the learned Special Government Pleader sought eight weeks time to consider the above grievances made by the petitioner.

4.Considering the limited relief sought for in this petition and without going into the merits of the matter, we hereby direct the Official respondents to survey the above land and remove the encroachment by taking necessary action against the encroachers, if there is any encroachment and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving notice to the petitioner as well as the necessary parties. The Official respondents are also directed to do the needful with regard to the allotment of land for burial ground.

5.With the above direction, this writ petition stands disposed of. Consequently, W.M.P. No.6708 of 2022 stands closed. No costs.

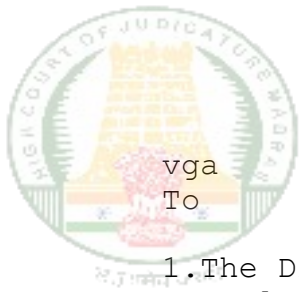
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Assistant Registrar(CS VI)

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<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



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To

WEB COPY

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Salem.

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Omalur Taluk,
Salem District.

4.The Tahsildar,
Omalur Taluk,
Omalur, Salem District.

5.The Sub Collector,
Mettur-636 401.

+1 cc to Mr.N.Naganathan, Advocate Sr.NO.19811

+1 cc to Government Pleader Sr.NO. 20378

W.P.No.6620 of 2022 and W.M.P. No.6708 of 2022

MG(CO)

A.SK(22/04/2022)