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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.3107/2022

G.Manoharan

Petitioner

-vs-

1. The District Collector,  
Salem District.
2. The District Revenue Officer,  
Salem District, Salem.
3. The Revenue Divisional Officer,  
Mettur Taluk, Salem District,  
Salem.
4. The Tasildar,  
Mettur Taluk,  
Salem District.
5. Rasamuthu
6. Muthu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents 1 to 4 to remove the illegal encroachment and construction made by the respondents 5 and 6 in the Government Poramboke land comprised in old S.No.148/6 and New S.No.261/6 situated at Pottikattiur, Pukkambatti, Mettur Taluk, Salem District by considering the petitioner's Appeal dated 05.01.2022.

For Petitioner : Mr.K.Prabhakaran

For Respondents : Mr.J.Ravindran, AAG.,  
1 to 4 assisted by Mr.A.Selvendran,  
Special Government Pleader



## ORDER

(Order of the Court was made by T.RAJA, J.)

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This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the illegal encroachment and construction made by the respondents 5 and 6 in the Government Poramboke land comprised in Old S.No.148/6 and New S.No.261/6 situated at Pottikattiur, Pukkambatti, Mettur Taluk, Salem District by considering the petitioner's Appeal dated 05.01.2022.

2. The sole grievance of the petitioner is that the 5<sup>th</sup> and 6<sup>th</sup> respondents who are the brothers of the petitioner herein have forcibly encroached the land in Survey No. 261/6 situated at Pottikattiur, Pukkambatti, Mettur Taluk, Salem District which is a Government Poramboke Land by constructing a house therein. When the survey No.261/6 is classified as "'Government Poramboke Land/street'", the petitioner, who has been using the said land to reach his house, is unable to use the same since the respondents 5 and 6 have illegally encroached the public street thereby causing great hardship and prejudice to the petitioner and other residents to enter into their houses and due to the said encroachment, there has been a public nuisance. Therefore, a detailed representation has been given on 05.07.2021 to the 4<sup>th</sup> respondent to furnish the details with regard to the Old S.No.148/6 and New S.No.261/6 and the 4<sup>th</sup> respondent also duly replied in his letter dated 02.08.2021 by producing the records of FMB Sketch and Adangal Report. A perusal of the same would clearly show that S.No.261/6 situated at Pottikattiur, Pukkambatti, Mettur Taluk, Salem District belongs to Government Poramboke land which is also classified as 'street' in the revenue records. Therefore, the respondents 5 and 6 cannot convert the public road as their own property based on the above classification report given by the 4<sup>th</sup> respondent. Hence, the petitioner has been advised to come to this Court.

3. Mr.J.Ravindran, learned Additional Advocate General assisted by Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1 to 4 submitted that a perusal of the revenue records as produced by the petitioner shows that the respondents 5 and 6 appeared to have encroached into the public street. Therefore, on the basis of the appeal of the petitioner, action would be taken in the manner known to law.

4. Considering the facts and circumstances of the matter, the respondents 1 to 4 are directed to consider the appeal dated 05.01.2022 filed by the petitioner on merits and in accordance with law, within a period of four weeks from the date



of receipt of a copy of this Order.

5. With the above direction, the Writ Petition is disposed of. No costs.

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Sd/-  
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,  
Salem District.
2. The District Revenue Officer,  
Salem District, Salem.
3. The Revenue Divisional Officer,  
Mettur Taluk, Salem District,  
Salem.
4. The Tasildar,  
Mettur Taluk,  
Salem District.

+1cc to Mr.K.Prabhakaran, Advocate, S.R.No.11653

W.P.No.3107/2022

GPL (CO)  
SU (09/03/2022)