



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.4634 of 2022

K.Dhanapal

... Petitioner

-vs-

1. The District Collector,
Salem District Collector Office,
Salem.
 2. The Superintendent of Police,
Nathimedu, Salem.
 3. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Mettur Dam-636 401,
Salem District.
 4. The Tahsildar,
Kadaiyampatti Taluk,
Kadaiyampatti, Salem District.
 5. The Deputy Superintendent of Police,
Omalur, Salem District.
 6. The Assistant Director of Panchayats,
O/o. Salem District Collector Office,
Salem.
 7. The Inspector of Police,
Deevattipatti Police Station,
Salem District.
 8. The Block Development Officer,
Omalur, Salem District.
 9. The Chairman,
Thummibipadi Panchayat,
Sarakkapillaiyur Post,
Kadaiyampatti Taluk, Salem District.
- ... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 9 to remove the encroachments made on the Athikuttai and also prevent the encroachers to construct a temple on the Athikuttai Oodai which is situated in S.No.399 in Thumbipadi Village, Kadayampatti Taluk, Salem District, based on the representation of the petitioner dated 07.02.2022.

For Petitioner : Mr.Sridhar
for Mr.M.Senthilkumar

For Respondents: Mr.A.Selvendran,
Spl.G.P. for R1 to R9

ORDER

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

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 9 to remove the encroachments made on the Athikuttai and also prevent the encroachers from constructing a temple on the Athikuttai Odai which is situated in S.No.399 in Thumbipadi Village, Kadayampatti Taluk, Salem District, based on the representation of the petitioner dated 07.02.2022.

2. Learned Counsel appearing for the petitioner would submit that the petitioner has been residing in Reddiyar Colony, Thumbipadi Village, Sakkarapatti Post, Kadaiyampatti, Salem District, for the past 30 years along with his family members and his Aadhar Number is 9605 8785 7074. He is also serving as a social worker in that area for the past 20 years and he is also the 14th ward member of Thumbipadi Village. He would further submit that in Salem District, Kadaiyampatti Taluk, Thumbipadi Village, Survey Nos.286/2 and 399 are classified as Athikuttai and some of the persons have occupied the said lands. They are also trying to obtain patta from the Tahsildar which is not legally permissible as the Odai water is running from S.No.286/2 and reaching the Survey No.399 in Thumbipadi Village, Kadaiyampatti Taluk, Salem District. Some of the villagers have occupied the said lands and they are also trying to construct a temple building. Therefore, the petitioner questioned the unlawful act explaining that the land-in-question is classified as Odai, namely, Athikuttai, but there was no response for the same. In the meanwhile, if the temple is constructed in the Athikuttai, the petitioner and the villagers will not be able to



do any agricultural activities. Therefore, the petitioner has given several representations dated 06.07.2021, 13.11.2021, 08.11.2021, 22.11.2021, 29.01.2022 and 07.02.2022 to the respondents, but no action is forthcoming. Hence, the petitioner has filed this Writ Petition.

3. Mr.A.Selvendran, learned Special Government Pleader taking notice for the respondents produced a letter dated 03.03.2022 addressed to him by the Tahsildar, Kadaiyampatti stated that on the basis of the representation of the petitioner dated 07.02.2022, an enquiry will be conducted by issuing notice to the petitioner and other aggrieved persons and thereafter, action will be taken in accordance with law for removing the encroachment, if any.

4. Recording the said submission of the learned Special Government Pleader for the respondents, the Writ Petition is disposed of. However, it is made clear that the respondents shall dispose of the petitioner's representation dated 07.02.2022 within a period of four weeks from the date of receipt of a copy of this Order. No costs.

Sd/-

Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

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To

1. The District Collector,
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O/o. The Revenue Divisional Officer,
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4. The Tahsildar,
Kadaiyampatti Taluk,
Kadaiyampatti,
Salem District.



5. The Deputy Superintendent of Police,
Omalur, Salem District.
6. The Assistant Director of Panchayats,
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Sarakkapillaiyur Post,
Kadaiyampatti Taluk,
Salem District.

+1cc to Government Pleader SR.No.14569

W.P.No.4634/2022

NK(CO)
GMY(17/03/2022)