



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.8777 of 2022

R.Alagiyamanavalan

... Petitioner

Vs.

1. The Collector,
Salem District,
Salem.
2. The Sub-Collector,
Mettur Dam,
Salem District.
3. The Tahsildar,
Omalur Taluk, Omalur,
Salem District.
4. The Commissioner,
Tharamangalam Municipality,
Tharamangalam,
Omalur Taluk,
Salem District.
5. The Commissioner,
HR & CE Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
6. The Joint Commissioner,
HR & CE Department,
Arulmigu Kottaimariamman Temple Complex,
Salem - 01,
Salem District.
7. The Assistant Commissioner,
HR & CE Department,
Arulmigu Kottaimariamman Temple Complex,
Salem - 01,
Salem District.



8. M.Ashok Kumar

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1 to 3 respondents to remove the structures namely boundary stones and shed put up by the 8th respondent without any authority and renovate the drainage damaged by the 8th respondent situated in S.Nos.110/8, 110/9, 110/10 at Tharamangalam Village, Omalur Taluk, Salem District and restore the same for public usage based on the representation made by the petitioner dated 16.03.2022 and direct the Revenue Department/Tharamangalam Municipality to fix the sign board indicating that above land is belongs to them or petitioner the petitioner to fix the sign board stating that above land is belong to the Revenue Department and Tharamangalam Municipality.

For Petitioner : Mr.V.Elangovan

For R1 to R3 : Mr.R.P.Murugan Raja
Government Advocate

For R5 to R8 : Mr.K.Karthikeyan
Government Advocate (HR and CE)

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents 1 to 3, to remove the structures namely boundary stones and shed put up by the 8th respondent without any authority and renovate the drainage damaged by the 8th respondent situated in S.Nos.110/8, 110/9, 110/10 at Tharamangalam Village, Omalur Taluk, Salem District and restore the same for public usage based on the representation made by the petitioner dated 16.03.2022 and direct the Revenue Department/Tharamangalam Municipality to fix the sign board indicating that above land belongs to them or the petitioner to fix the sign board stating that above land belongs to the Revenue Department and Tharamangalam Municipality.

2.The case of the petitioner is that there is a Government Poromboke land in the petitioner's village in S.Nos.110/8, 110/9, 110/10 at Tharamangalam Village, Omalur Taluk, Salem District. The said land belongs to the Revenue Department. In S.No.110/8, there is a Pathrakaliyamman Temple. The local villagers, public, agriculturists and tourists are using the above said lands as a pathway. The Joint Commissioner, HR & CE, Chennai, in his proceeding dated 28.05.2012 had



assessed the maintenance and repairing work expenditure of the above said temple to the tune of Rs.9,50,000/- and one Palanisamy was appointed as donor for the temple maintenance and repairing work. The said Palanisamy and the 8th respondent herein have encroached the said public pathway and put up a shed for individual use.

3. Aggrieved by the same, the petitioner filed a writ petition in W.P.No.15927 of 2020 and this Court by an order dated 22.04.2021, issued a direction to demolish the arch which was constructed in the Government land without any permission. Even then the 8th respondent and the said Palanisamy encroached the Government land. Aggrieved by the same, the petitioner made a representation on 16.03.2022 to remove the unauthorized structures put up in the land. However, till date, no order has been passed on the same. Hence, this present petition is filed.

4. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents 1 to 3 to consider the representation of the petitioner dated 16.03.2022 and may pass appropriate orders within the stipulated time as fixed by this Court.

5. The learned Government Advocates appearing for the respondents 1 to 3 and 5 to 8, would submit that the representation made by the petitioner will be considered and appropriate orders will be passed on merits within the time frame to be fixed by this court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents 1 to 3 to consider the representation of the petitioner dated 16.03.2022 and after giving an opportunity of hearing to the petitioner and the 8th respondent herein, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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2. The Sub-Collector,
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Salem District.

+lcc to Mr.S.Doraisamy, Advocate SR.No.25237
+lcc to the Government Pleader SR.No.25517, 26017

W.P. No.8777 of 2022

GPL(CO)
GN(04/05/2022)