



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.05.2022

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN
and
THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. No. 11179 of 2022
and
WMP. No. 10760 of 2022

A. Periyasamy .. Petitioner

Versus

1. The District Collector,
Salem District.
2. The Assistant Director,
Town and Country Planning Office,
Salem, Salem District.
3. The Block Development Officer,
Valapadi, Salem District.
4. The President,
Singipuram Panchayat,
Valapadi Taluk, Salem District.

- 5.Rani
- 6.Maragatham
- 7.Chellamuthu

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuing a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment and illegal construction constructed by the respondents 5 to 7 in Survey No.232/3, Singipuram Panchayat, Valapadi Taluk, Salem District.

For Petitioner : Mr. V.T. Balaji

For Respondents : Mr. J. Ravindran
Additional Advocate General
assisted by Mr.Selvandran
Special Government Pleader for RR1 to 3



ORDER

[Order of the Court was made by R.MAHADEVAN, J]

The present writ petition is filed by the petitioner praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment and illegal construction made by the respondents 5 to 7 in the land comprised in Survey No.232/3, Singipuram Panchayat, Valapadi Taluk, Salem District.

2. According to the petitioner, the 5th respondent, who is his adjacent land owner, along with his daughter and son-in-law / respondents 6 and 7, had unlawfully occupied a portion of his land as well as the Government land, which includes the Highways land and started putting up an illegal construction. The petitioner opposed the said activity of the respondents 5 to 7 by lodging a police complaint as well as filing of a civil suit. It is the further case of the petitioner that the respondents 5 to 7 have no valid building approval for the said unauthorised construction. Though the said construction of the respondents 5 to 7 was inspected by the officials of the local body, no further action has been taken to remove the same. Hence, the petitioner is constrained to file the present writ petition for the aforesaid relief.

3. This Court heard the submissions of the learned counsel for the petitioner, who has reiterated the averments made in the affidavit filed in support of the writ petition and prayed for issuing appropriate direction to the respondents 1 to 4 to take appropriate action to remove the encroachments/ unauthorised building constructed by the respondents 5 to 7.

4. Mr. J. Ravindran, learned Additional Advocate General appearing for the respondents 1 to 3 submitted that before taking any action on the basis of the representation made by the petitioner, a survey/field inspection would be done in the encroached area and if there is any unauthorised construction as claimed by the petitioner, appropriate action would be taken by the respondent authorities.

5. Taking note of the above facts and the submissions of the learned counsel on either side, the respondents 2 and 3 are directed to depute their officials to cause an inspection and find out as to whether there is any encroachment of public land and the construction put up by the respondents 5 to 7 is unauthorised one and if so, take appropriate action, after following due process of law and providing an opportunity of hearing to the petitioner, respondents 5 to 7 and any other interested parties. Such an exercise shall be completed by the respondent officials within a period of six weeks from the date of receipt of a copy of this order.



6. With the above direction, the writ petition is disposed of. No costs. Consequently connected Writ Miscellaneous Petition is closed.

WEB COPY

Sd/-
VACATION OFFICER

//True Copy//

Sub Assistant Registrar

AP/rsh

To

- 1.The District Collector,
Salem District.
- 2.The Assistant Director,
Town and Country Planning Office,
Salem, Salem District.
- 3.The Block Development Officer,
Valapadi, Salem District.
- 4.The President,
Singipuram Panchayat,
Valapadi Taluk, Salem District.

+2cc to Mr. V.T. Balaji, Advocate, S.R.No.31074
+1cc to the Government Pleader, S.R.No.31192

W.P. No.11179/2022

SSI (CO)
CT 25/05/2022