



W.P.No.22558 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2022

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

W.P.No.22558 of 2022

N.Velusamy

.. Petitioner

Vs

- 1.The District Collector,
Palladam Road,
Tiruppur-641 604.
- 2.The Assistant Director,
Animal Husbandry,
Veterinary Department,
Opp to Old Bus Stand,
Tiruppur-641 604.
- 3.The Executive Officer,
Samalapuram Town Panchayat,
Pallapalayam,
Tiruppur-641 663.
- 4.The Assistant Engineer, TNEB,
Paramasivan Palayam,
Tiruppur-641 663.
- 5.The Sub-Registrar,
Sulur, Coimbatore-641 402.



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6.6.Subramani

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 5 to jointly and severally remove the encroachments and remove the documents registered illegally in SF No.523, 513 of Samalapuraam Village, Palladam Taluk, Tiruppur District.

For the Petitioner : Ms.Elvin E Valarmathi

For the Respondents : Mr.A.Selvendran
Spl. Government Pleader
for respondent Nos.1 to 3
and 5

: Mr.L.Jaivenkatesh
Standing Counsel
for respondent No.4

ORDER

(Order of the court was made by D.KRISHNAKUMAR,J.)

This writ petition has been filed by the petitioner seeking issuance of a writ of mandamus directing respondents 1 to 5 to remove the encroachments made in S.F.No.523 and 513 situated at Samalapuram Village, Palladam Taluk.

2. According to the petitioner, S.F.No.523 has been classified as



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waterbody, where more than 50 families have encroached and put up constructions. In this regard, the petitioner has submitted several representations to the respondent authorities. However, no action has been taken till date. It is also the case of the petitioner that both the Revenue Department and the 5th respondent classified the Government land in S.F.No.523 as commercial and subdivided as S.F.No.523/1, 523/2A, 523/2B and 523/2C and registered documents by mentioning the value of the land as Rs.335/- per square feet instead of "0" value. Hence, the petitioner has filed the present writ petition.

3. Learned Special Government Pleader, on instructions, submitted that the land in question has been classified as Government Mandaiveli land, where on inspection and finding encroachments, the respondent authorities have issued notices under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 to the encroachers and further action will be taken for removal of encroachments after consultation with the Animal Husbandry Department.



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4. In so far as the second limb of the prayer made by the petitioner is concerned, it is for petitioner to seek appropriate remedy before the authority concerned for cancellation of the sale deed, if so advised, as per law.

5. Recording the submission made by learned Special Government Pleader that they will take further action for removal of encroachment in the land in question, the writ petition is disposed of. The respondent authorities are directed to complete the exercise of removal of encroachment as expeditiously as possible. There will be no order as to costs.

(D.K.K., J.) (T.V.T.S., J.)
22.11.2022

Index : Yes/No
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