



W.P.No.28903 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

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Selvaraj

.. Petitioner

Vs

1.The District Collector,
Salem.

2.The Executive Officer,
Kolathur Town Panchayat,
Mettur Taluk, Salem-636 303.

3.The Tahsildar,
Mettur Taluk, Mettur.

4.Deivanai Kumarasamy
5.Ramakrishnan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the third respondent to consider the representation of the petitioner dated 30.5.2022, conduct enquiry and take appropriate action against the fourth and fifth respondents in respect of the encroachment and unauthorised



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construction carried out in S.No.448/7, Kolathur, Mettur Taluk, Salem District by the fourth and fifth respondents.

For the Petitioner : Mr.R.Subramanian

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondent Nos.1 and 3

: Mr.P.Muthukumar
State Government Pleader
for respondent No.2

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by Selvaraj, son of Muthulingam, seeking issuance of a writ of mandamus to direct the third respondent to consider the representation of the petitioner dated 30.5.2022, conduct enquiry and take appropriate action against the fourth and fifth respondents in respect of the encroachment and unauthorised construction put up by them in S.No.448/7, Kolathur, Mettur Taluk, Salem District.



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2. Mr.R.Subramanian, learned counsel for the petitioner, drawing out attention to the revenue records enclosed at page 32, submitted that the land in S.No.448/7, Kolathur, Mettur Taluk, Salem District, is classified as "Sarkar Poramboke" and respondents 4 and 5 have no legal right to put up a wall obstructing the passage, through which the petitioner and other people have common access.

3. Learned counsel for the petitioner requested this court to consider the genuine request of the petitioner and direct the third respondent to conduct an enquiry and take appropriate action against respondents 4 and 5 for putting up unauthorised construction obstructing the passage.

4. Mr.P.Muthukumar, learned State Government Pleader, submitted that inasmuch as the land is classified as Sarkar Poramboke, the respondent authorities would conduct a survey in the presence of the petitioner and respondents 4 and 5 and shall remove the encroachment, if any found, and take possession of the land.



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5. In view of the aforesaid submission made by learned State Government Pleader, the writ petition is disposed of with a direction to the respondent authorities to conduct a survey of the land in question in the presence of the petitioner and respondents 4 and 5 and thereafter remove the encroachment, if any, and take possession of the land classified as Sarkar Poramboke. The entire process shall be concluded within a period of eight weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)
02.11.2022

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To:

- 1.The District Collector,
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Mettur Taluk, Salem-636 303.
- 3.The Tahsildar,
Mettur Taluk, Mettur.



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T.RAJA, ACJ.
AND
D.KRISHNAKUMAR,J.

(sasi)

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