



W.P.No.2710 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

Writ Petition No.2710 of 2023

Kulandhaivel

Vs.

.. Petitioner

1. The District Collector
Namakkal District
Namakkal.
2. The Revenue Divisional Officer
Tiruchengode
Namakkal District.
3. The Tahsildar
Tiruchengode
Namakkal District.
4. The Executive Officer
Mallasamuthiram Town Panchayat
Namakkal District.
5. The Authorised Person (Periyathanakaarar)
Sandaipavadi & Kottaipaavadi
Senguntharpaavadi Panchayat
Mallasamuthiram
Namakkal District.
5. The President

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Sengunthar Thirumana Mandapam
Mallasamuthiram
Namakkal District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made by respondents 5 and 6 in the poramboke land comprised in S.No.272/3C2 and 296/4 situated at Mallasamuthiram Keezhmugam Village, Tiruchengode Taluk, Namakkal District, pursuant to the petitioner's representation dated 20.08.2022.

For the Petitioner : Mr.M.Subash

For the Respondents : Mr.A.Selvendran
Special Government Pleader
for Respondents 1 to 3

ORDER

(Order of the Court was made by R.Mahadevan,J)

The petitioner seeks a direction to the respondents 1 to 4 to remove the encroachments made by the respondents 5 and 6 in the poramboke land comprised in S.No.272/3C2 and 296/4 situated at Mallasamuthiram Keezhmugam Village, Tiruchengode Taluk, Namakkal District, based on his representation dated 20.08.2022.

2. According to the petitioner, there are poramboke lands in S.Nos.272/3C2 and 296/4 of Mallasamuthiram Keezhmugam Village,



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which fall under the fourth respondent Town Panchayat. In the said lands, there was an Odai carrying water from Mallasamuthiram lake towards Kottapalaiyam lake and was a main source for cultivation. Earlier, the said lands were used by the handloom weavers of Mallasamuthiram area for warping work. On account of the debilitated handloom operation, yarn warping was not carried on in the said lands.

3. It is the grievance of the petitioner that the respondents 5 and 6 constructed buildings for government establishments and commercial purposes in the said lands in S.Nos.272/3C2 and 296/4 by encroaching the odai and market area, as a result of which, the source of water for cultivation has been severely affected and that, the vendors and merchants used to sell their goods in the road side, which create heavy traffic congestion and health hazards to the public. The petitioner, therefore, made a representation on 20.08.2022 to the respondent authorities for removal of the said encroachments. However, nothing progressed. Therefore, this writ petition.



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4. Heard Mr.M.Subash, learned counsel for the petitioner and Mr.A.Selvendran, learned Special Government Pleader taking notice for the respondent authorities and also perused the documents enclosed in the typed set of papers.

5. Considering the limited nature of the relief sought herein, without going into the merits of the case, this writ petition is disposed of directing the respondent authorities to consider the representation of the petitioner dated 20.08.2022 and pass appropriate orders on the same, on merits and in accordance with law, after affording an opportunity of hearing to all the persons concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that if any encroachment is found, the same shall be removed, after following due process of law. There will be no order as to costs.

(R.M.D.,J.) (M.S.Q., J.)
03.02.2023

Index : Yes/No
Neutral Citation : Yes/No



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R.MAHADEVAN,J,
and
MOHAMMED SHAFFIQ, J.

(kpl)

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