



WEB COPY



WP No. 3177 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM :

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

Writ Petition No.3177 of 2018

- 1.P.Jaya
- 2.R.Velliammal
- 3.R.Muthammal
- 4.M.Palaniammal
- 5.V.Alamelu

.. Petitioners

Versus

1. The Secretary to Government,
Secretariat, Chennai – 9.
2. The District Collector,
Office of the District Collector,
Salem – 636 001.
3. The District Adi-Dravidar Welfare
Officer / Special Thasildhar,
District Collector Office Compound,
Salem – 636 001.
4. The Tahsildar,
Salem South, Maniyanur,
Salem District.
- 5.R.Chitra
- 6.K.Marimuthan
- 7.M.Vijaya
- 8.K.Alagesan

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the 1st respondent to consider the representation dated 11.09.2017 and handover the vacant possession of the encroached portions of the lands earmarked for communal purpose by removing the construction made in the encroached portions

For Petitioners : Mr. E.D.Sethupathi.
For Respondents : Mr. A. Selvendran
Special Government Pleader for R1 to R4
R5 to R7 – no appearance.
R8 – not ready in notice

ORDER

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

The prayer in this Writ Petition is to consider the representation dated 11.09.2017 of the petitioner and to handover the vacant possession of the encroached portions of the lands earmarked for communal purpose.

2. It is the case of the petitioners that the third respondent had allotted 61 plots under a housing scheme formulated by the Government, in which the petitioner and others have built houses and residing thereon. Even at the time of such allotment, 10 cents of lands were left out specifically for the purpose of establishing a community hall or for any other public purpose such as play ground etc., in future. While so, the private respondents 5 to 8 herein, taking advantage of the fact that the land is lying vacant, have encroached it. In this context, the petitioners have submitted a representation dated 22.12.2016 to the respondents 1 to 4, followed by a reminder dated



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11.09.2017, however, no action has been taken thereof, hence, the present writ petition is filed.

3. We have heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents 1 to 4.

4. Considering the nature of relief sought herein by the petitioners, this Court, without going into the merits of the case, directs the fourth respondent to consider the petitioner's representation dated 11.09.2017, if not considered earlier and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioners and the respondents 5 to 9 or any other parties concerned within a period of eight (8) weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as complained by the petitioners, the same shall be removed, after following due process of law to ensure that the 10 cents of land earmarked for a public purpose is kept intact without being encroached. This Writ Petition is disposed of accordingly. No costs.

(R.M.D., J) (M.S.Q., J)
01.02.2023

ay/rsh

Index: Yes / No, Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

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R.MAHADEVAN, J
and
MOHAMMED SHAFFIQ, J

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01.02.2023