



WP No.3677 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.3677 of 2023

G.Sathish Sellakumar

... Petitioner

Vs

1 The District Collector,
Salem District

2 The Tahsildar
Mettur Taluk, Mettur, Salem District

3 The Block Development Officer
Kolathur Panchayat,
Mettur Taluk, Salem District

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the first respondent to consider the representation and the Appeal dated 19.01.2021 of the petitioner.

For the Petitioner : Mr.M.Sriram

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for the third respondent



WP No.3677 of 2023

Mr.J.Ravindran,
Additional Advocate-General
assisted by Mr.A.Selvendran,
Special Government Pleader
for respondents 1 and 2

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition seeking a Writ of Mandamus to direct the first respondent, District Collector, Salem, to consider the representation and appeal of the petitioner dated 19.01.2021 and pass orders.

2. The learned counsel for the petitioner submitted that the lands comprised in S.F.Nos.39A2, 41A, 42A, 44A, 45, 47, 48C originally belonged to the petitioner's grandfather Thiru.Rangasamy Gounder and his brothers, who have purchased the property, along with certain other properties, under sale deed dated 09.05.1972 registered as Doc.Nos.891, 892 and 893 of 1972, on the file of the Sub Registrar, Mecheri, Mettur Taluk, Salem District. Corresponding new S.F.Numbers are S.F.Nos.208/2, 201/2 and 202/1 of Singiripatti Village, Mettur Taluk, Salem District. Partition was effected between



WP No.3677 of 2023

the petitioner's father and his brothers on 20.11.1984 and the lands in S.F.Nos.208/2, 201/2 and 202/1 were allotted to the petitioner's father, as per Schedule D of the partition deed. These lands are enjoyed by the petitioner and his family members continuously without any interruption and they are in absolute possession and enjoyment of the same.

3. While so, notice dated 11.12.2020 has been issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, by the second respondent, calling upon the petitioner to show cause as to why the encroachment, viz., the compound wall, should not be removed. The petitioner has given his explanation to the notice dated 11.12.2020, stating that there is no encroachment in the Government lands, and requested for cancellation or withdrawal of the said notice. The second respondent, after holding inquiry on 06.01.2021, (wrongly typed as 06.01.2020), rejected the explanation offered by the petitioner. Therefore, the petitioner filed an appeal under Section 10-A of the Land Encroachment Act before the District Collector, Salem. The same has not been considered by the District Collector, till date.



WP No.3677 of 2023

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4. In the meanwhile, the third respondent, under the pretext of constructing drains for the purpose of sewerage water, is narrowing down the Odai. Therefore, the petitioner prays for an order of injunction restraining the third respondent from altering the physical features or putting up any construction in the lands belonging to the petitioner.

5. Mr.P.Muthukumar, learned State Government Pleader, submitted that already a notice, dated 09.11.2021, has been issued, calling upon the petitioner to come for an inquiry, failing which further action would be taken. The appeal filed by the petitioner on 19.01.2021 under Section 10-A of the Land Encroachment Act, would be considered and disposed of on merits.

6. The learned State Government Pleader also submitted that the allegation made by the petitioner in paragraph 11 of the affidavit of the petition that the respondents are trying to narrow down the Odai under the pretext of constructing drains for the purpose of sewerage water is not correct because there is no such proposal for



WP No.3677 of 2023

narrowing down the Odai, and in future also, the breadth of the Odai will not be narrowed down.

7. Recording the said statement, the writ petition is disposed of, directing the first respondent to consider and dispose of the appeal filed by the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

8. There will be no order as to costs. Consequently, WMP No.3764 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
10.02.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To

- 1 The District Collector, Salem District
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Kolathur Panchayat,
Mettur Taluk, Salem District

Page 5 of 7



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WP No.3677 of 2023



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WP No.3677 of 2023

T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.
(tar)

WP No.3677 of 2023

10.02.2023