



W.P.No.7930 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7930 of 2023

Govindasamy

.. Petitioner

Vs

1.The District Collector,
Erode, Erode District.

2.The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

3.The Tahsildar,
Sathyamangalam,
Erode District.

4.Chidhambaram

5.S.K.Kumar

6.Muthusamy

7.K.Murthy

8.Shanmugam

9.Mani

10.Rasu

11.Viswanathan

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the third respondent to remove the encroachments in Survey Numbers 63, 64, 65, 66 which are Town Survey Numbers 20, 21, 23 in Block-2, B-Varathampalayam Ward, Sathyamangalam Town, Sathyamangalam Taluk, Erode District, by considering the petitioner's representation dated 28.12.2021.

For the Petitioner : Mr.J.Titus Enock

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 3

ORDER

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

Govindasamy, son of Late Ammasai, has filed this writ petition seeking issuance of a writ of mandamus directing the third respondent to remove the encroachments in Survey Nos.63, 64, 65, 66, which have been assigned Town Survey Nos.20, 21, 23 in Block-2, B-Varathampalayam Ward, Sathyamangalam Town, Sathyamangalam Taluk, Erode District, by considering the petitioner's representation dated 28.12.2021.



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2. Mr.J.Titus Enock, learned counsel appearing on behalf of the petitioner, would submit that respondents 4 to 11 have encroached the lands in Survey Nos.63, 64, 65, 66, which have been assigned Town Survey Nos.20, 21, 23. The petitioner sent a representation on 28.12.2021 to the respondent authorities seeking removal of the encroachments. As the said representation did not evoke any response, the petitioner has been advised to file this writ petition.

3. Learned counsel for the petitioner invited the attention of this court to the proceedings of the third respondent/Tahsildar dated 3.3.2023 which shows that the lands in question are classified as "water body". He fairly submitted that the encroachment put up by the petitioner shall be removed within one week from the date of receipt of a copy of this order.

4. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents 1 to 3, submitted that if four weeks' time is granted to the respondent authorities, they will



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conduct a survey of the lands in question and thereafter remove the encroachments, including the encroachment put up by the petitioner, if he has not removed the same as undertaken before this court.

5. Recording 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 lands in question with the assistance of the jurisdictional Surveyor and, if any encroachment is found, the same shall be removed after notice to the encroachers. The entire exercise is to be completed within a period of four weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
15.03.2023

Index : No
Neutral Citation : No
sasi



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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