



WP No.9269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.9269 of 2023

I.Thangavel

... Petitioner

versus

1.The District Collector,
Office of the District Collector,
Salem District.

2.The Sub-Collector,
Office of the Sub-Collector,
Mettur, Salem District.

3.The Tahsildar,
Office of the Tahsildar,
Salem District.

4.The Executive Officer,
Mecheri Town,
Panchayat Office,
Mettur, Salem District.

5.The Revenue Officer,
Mecheri Town, Salem District.

6.Amaravathi



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7.Baskaran

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 - 5 to take all necessary steps to survey the land situated in S.No.814/24 Ward No.8, Soraiyanur, Mecheri Town Panchayat, Mettur Taluk, Salem District conduct a proper enquiry on the encroachment of the said land in S.No.814/24, submit a report to the 1st respondent and the petitioner herein and to remove the encroachment as directed by the 1st respondent vide proceedings bearing O.Mu.No.29945/ 2021/K2 dated 16.12.2021 and as directed by the 2nd respondent vide proceedings bearing O.Mu.2536/2021/U dated 30.12.2021.

For the Petitioner : Ms.Rukmani Venugopalan

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for respondents 1 to 5

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed seeking a writ of mandamus directing respondents 1 to 5 to take all necessary steps to survey the land situated in S.No.814/24, Ward No.8, Soraiyanur, Mecheri Town Panchayat, Mettur Taluk, Salem District, conduct a proper enquiry on the encroachment of the said land in S.No.814/24 and to remove the encroachment.



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2. According to the petitioner, he has constructed a building in S.No.814/22, Soraiyanur, Mecheri Town Panchayat, Mettur Taluk, Salem District, and opposite to his house, there is a common pathway in S.No.814/24, measuring 7 feet in width and 16 feet in length. The said pathway is used by general public to commute to 'Mela theru'. As per sketch and the 'A' register obtained from the authorities, the pathway situate in S.No.814/24 is classified as 'poromboke land'. Respondents 6 and 7 have encroached the pathway and constructed a house. In this regard, the petitioner has given a complaint to Mecheri Police Station on 13.03.2020 and respondents 6 and 7 were advised not to continue construction. Despite the advice of the police, respondents 6 and 7 continued with their encroachment. Thereafter, the petitioner sent a legal notice to respondents 6 and 7. The petitioner has also sent representations to respondents 1 to 3 on 23.07.2020 to remove the encroachment. However, despite all his efforts, the encroachment still remains. Hence, the petitioner has filed this writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader submits that the representation of the petitioner would be considered and action would be taken by



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the official respondents in four weeks' time.

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4. Recording the said submission of the learned State Government Pleader, the writ petition is disposed of directing the Tahsildar and the Block Development Officer concerned, to coordinate with each other, and to conduct a survey, and if any encroachment is found, issue notice to the encroachers and remove the same forthwith. The entire exercise shall 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.)
27.03.2023

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



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