



W.P.No.12518 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.12518 of 2018 and

WMP No.14664 of 2018

C.Mani

... Petitioner

Vs.

1. The District Collector,
Salem, Salem District.
2. The Tahsildar, Taluk Office,
Attur Taluk, Salem District.
3. The Land Surveyor, Taluk Office,
Attur Taluk, Salem District.
4. Gandhimathi
5. Senthil
6. The Block Development Officer,
Thalaivasal, Salem District.
(R6 impleaded vide order dated 8.4.2019
made in WMP No.11060/2019 in
W.P.No.12518/2018.)

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and second respondents to stop and remove the illegal construction put up by the 4th and 5th respondents in the Government Poramboku land (lane) in survey No.212/3, Aragalur Village, Attur Taluk, Salem District by passing orders on the representation dated 05.02.2018.

For Petitioner : No appearance

For Respondents : Mr.EVijay Anand,
Additional Government Pleader for R1 to R3.

Mrs.R.L.Karthika, Gov.Advocate for R6

No appearance for R4 and R5

ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This Writ Petition has been filed to direct the first and second respondents to stop and remove the illegal construction put up by the 4th and 5th respondents in the Government Poramboku land (lane) in survey No.212/3, Aragalur Village, Attur Taluk, Salem District by passing orders on the representation dated 05.02.2018.



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2. According to the petitioner, the common pathway, situated in survey No.212/3, Aragalur Village, Attur Taluk, Salem District is a Government Poramboke land and the respondents 4 and 5, without getting any approval from the authorities concerned, started construction works by encroaching the pathway. Hence, the petitioner made a representation on 05.02.2018 to the first respondent to stop the construction and to remove the encroachment. However, no action has been taken. Hence the writ petition.

3. The respondents 1 to 3 filed counter affidavit stating that upon receipt of representation from the petitioner, the Surveyor concerned visited the site and his report shows that the survey No.212/2, which is classified as Street; and Survey No.212/3 which is classified as Lane are encroached by the respondents 4 and 5. Further the above said lands come under the jurisdiction of Aragalur Panchayat and Thalaivasal Panchayat Union and the Block Development Officer, Thalaivasal is the competent authority to evict the encroachments. Further, necessary details have been forwarded to the Block Development Officer, Thalaivasal for taking appropriate steps, vide letter dated 12.07.2018.



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4. Heard the counsel for the petitioner and the learned counsel counsel appearing for the respondents 1 to 3 and 6 and we have perused the materials on record.

5. It is seen from the records that the lands in question, viz. S.No.212/2, 212/3 Aragalur Village, Attur Taluk, Salem District are classified as Street and Lane respectively and the respondents had encroached the said pathway by putting up construction. Further, with regard to removal of encroachment and unauthorized construction, necessary details were forwarded by the second respondent herein, to the 6th respondent, who is the competent authority to take action against such encroachment and illegal construction. Though the respondents 4 and 5 filed counter affidavit stating that the above said lands are patta lands and they are the owners of the land and having title documents in their favour, none appeared before this Court on behalf of them.

6. Therefore, considering the facts and circumstances of the case, the 6th respondent is directed to take necessary action against the unauthorized



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construction, after affording opportunities to the parties concerned , within twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K.J.)

(P.D.B.J.)

14.06.2023

Internet: Yes/No

Index : Yes/No

mst

To

1. The District Collector,
Salem, Salem District.
2. The Tahsildar, Taluk Office,
Attur Taluk, Salem District.
3. The Land Surveyor, Taluk Office,
Attur Taluk, Salem District.
4. The Block Development Officer,
Thalaivasal, Salem District.



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