



W.P.No.11441 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11441 of 2023

D.Sulaiman

.. Petitioner

Vs

- 1.The District Collector,
Office of the Collectorate,
Salem District – 636 001.
- 2.The District Revenue Officer,
Office of the Collectorate,
Salem District – 636 001.
- 3.The Revenue Divisional Officer,
Attur Taluk,
Salem District.
- 4.The Commissioner,
Attur Municipality,
Attur Taluk.
- 5.The Tahsildar,
Office of Tahsildar,
Attur Taluk,
Salem District.



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6.Angammal
7.V.Purushothaman
8.S.Manikandan
9.M.Natesan
10.K.Chandrasakar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent authority to remove the encroachment made by the respondents 6 to 10 in the light of the recommendation forwarded by the third respondent to the fifth respondent by conducting property enquired on the representations dated 4.4.2022 and 12.12.2022 made by the petitioner.

For the Petitioner : Mr.A.Rajakumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 3 & 5

: Mr.B.Anand
Standing Counsel
for respondent No.4

ORDER

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

This writ petition has been filed by the petitioner D.Sulaiman for issuance of a writ of mandamus directing respondent authorities



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to remove the encroachment made by respondents 6 to 10 in Old Survey No.545/3, T.S.No.5/1, 5/2, Ward B, Block No.24 situate at Mulluvadi Village, Attur Taluk, in the light of the recommendation forwarded by the third respondent to the fifth respondent to conduct a proper enquiry.

2. In support of his submission, learned counsel for the petitioner drew our attention to the Memo dated 11.5.2022 of the third respondent, found at page No.20 of the typed-set of papers, wherefrom we can see that the petitioner has filed an appeal before the third respondent alleging that Old Survey No.545/3, T.S.No.5/1, 5/2, Ward B, Block No.24 measuring an extent of 1.05 acre situate at Mulluvadi Village, Attur Taluk, has been encroached by general public. He pleaded that as despite receipt of the Memo dated 11.5.2022, the fifth respondent has not taken action to remove the encroachment, the petitioner has been advised to come to this Court.

3. At this juncture, learned State Government Pleader



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appearing for the official respondents submitted that if four weeks' time is granted to the respondent authorities, they will conduct a survey of the land in question pursuant to the direction of the third respondent dated 11.5.2022 and after survey, if any encroachment is found, the same shall be removed in accordance with law.

4. Recording the 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 land in question with the assistance of the jurisdictional Surveyor and, if any encroachment is found to have been made by respondents 6 to 10, the same shall be removed after issuing 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.)
17.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

WEB COPY

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