



WEB COPY



W.P.No.11980 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11980 of 2023

K.Aravindhan

.. Petitioner

Vs

1.The District Collector,  
Salem-636 001.

2.The Tahsildar,  
Valapadi Taluk,  
Attur Byepass, Valapadi,  
Salem-636 115.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 and 2 to remove the encroachments created in Survey Nos.67, 56/3B, 55/4C, 55/5A, 57/1B, 58/1B, 58/3A, 54/4B, 59/7B8C, 53/2B, 2C, 2D, 2E, 53/3B, 52/1A, 46, 47 and 48 found to a total extent of 0.65 Hectares of the Kootathupatti Village, Valapadi Taluk, Salem District being a "Nilaviyal Oni" or "Nilaviyal Vandi Pathai".



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For the Petitioner : Mr.P.Paramasivados

For the Respondents : Mr.P.Muthukumar  
State Government Pleader

ORDER

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

K.Aravindhan, son of Kandhasamy, a resident of Koothathupatti, Valapadi Taluk, Salem District, has filed this writ petition seeking issuance of a writ of mandamus to direct the respondents to remove the encroachments created in Survey Nos.67, 56/3B, 55/4C, 55/5A, 57/1B, 58/1B, 58/3A, 54/4B, 59/7B8C, 53/2B, 2C, 2D, 2E, 53/3B, 52/1A, 46, 47 and 48 to a total extent of 0.65 Hectares in Kootathupatti Village, Valapadi Taluk, Salem District, being "Nilaviyal Oni" or "Nilaviyal Vandi Pathai".

2. In support of the prayer made in the writ petition seeking removal of encroachments, learned counsel for the petitioner produced a copy of the 'A' Register. He submitted that even though the petitioner sent representations on 17.9.2022 and 10.3.2023, till date the respondent authorities have not taken any action. Hence,



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the petitioner has been advised to file this writ petition.

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3. A perusal of the 'A' Register filed by the petitioner shows that that except the land comprised in Survey No.67, which is classified as "Grama Natham" and the land in Survey No.54/4B, which is classified as "Villai Veedu", all other lands are classified as "Nilaviyal Oni" or "Nilaviyal Vandi Pathai".

4. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents, would submit that, if six weeks' time is granted, the respondent authorities will conduct a survey of the land in question and thereafter remove the encroachments, after issuing notice to the encroachers.

5. 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 lands in question, except the lands in Survey Nos.67 and 54/4B, which are classified as "Grama Natham" and "Villai Veedu", respectively, with



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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 six 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.)  
20.04.2023

Index : No  
Neutral Citation : No  
sasi

To:

- 1.The District Collector,  
Salem-636 001.
- 2.The Tahsildar,  
Valapadi Taluk,  
Attur Byepass, Valapadi,  
Salem-636 115.



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

(sasi)

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