



W.P.No.13809 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13809 of 2023

P.Jagatheesh

.. Petitioner

Vs

1. The State of Tamil Nadu
rep by its Secretary
Revenue and Disaster Management Department
Fort St. George, Chennai – 600 009.
2. The District Collector
Office of the Collectorate
Erode – 638 001.
3. The Revenue Divisional Officer
Gobichettipalayam Taluk
Erode District – 638 452.
4. The Tahsildar
Gobichettipalayam Taluk
Erode District – 638 452.
5. The Revenue Inspector
Kolappalur and Siruvalur Village
Erode District – 638 054.



W.P.No.13809 of 2023

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6. The Executive Officer
Kolappalur Town Panchayat Ward-15
Gobichettipalayam
Erode District – 638 456.

7. Chinnagounder @ Ponnusamy
8. N.N.Palanisamy
9. N.Subramaniyan
- 10.S.Nandhakumar
- 11.K.Pachiyappan
- 12.N.Palanisamy
- 13.S.Sivakumar
- 14.K.Chinnasamy
- 15.N.Palanisamy @ Chinnasamy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the officials respondents 2 to 5 to consider the representations of the petitioner dated 20.12.2022 and 18.1.2023 and direct the respondents to take action against respondents 7 to 15 for the unauthorised encroachment in S.F.Nos.671, 681, 684, 685 and Natham Pula Nos.779-1 and 779-2, respectively in accordance with the Full Bench judgment of this Court reported in 2015 6 CTC 369 within a stipulated time.

For the Petitioner : Mr.P.Nethaji

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



W.P.No.13809 of 2023

ORDER

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

P.Jagatheesh, son of N.N.Palanisamy, a resident of Kolappalur Post, Gobichettipalayam, Erode District, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 2 to 5 to consider the representations of the petitioner dated 20.12.2022 and 18.1.2023 and remove the encroachments put up by respondents 7 to 15 in S.F.Nos.671, 681, 684, 685 and Natham Pula Nos.779-1 and 779-2, respectively, in accordance with the Full Bench judgment of this Court in ***T.K.Shanmugam v. State of Tamil Nadu, 2015 (6) CTC 369.***

2. Mr.P.Nethaji, learned counsel for the petitioners, would submit that respondents 7 to 15 have encroached upon the water catchment of Pallavaari Odai and temple lands comprised in S.F.Nos.671, 681, 684, 685 and Natham Pula Nos.779-1 and 779-2 and are causing nuisance. Ventilating his grievance, the petitioner sent a representation to the Chief Minister's Cell on 30.9.2022. He pleaded that pursuant thereto, the fourth respondent, vide



W.P.No.13809 of 2023

proceedings dated 1.2.2023, directed the fifth respondent to submit a report in this regard. However, till date no action has been taken to remove the encroachment. Hence, the petitioner has been advised to file this writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents 1 to 5, would submit that the lands in S.F.Nos.684 and 685 are classified as "Vaari" in the 'A' Register and in respect to these lands alone, if six weeks' time is granted, the respondent authorities will conduct a survey and thereafter remove the encroachments. He further submitted that the lands comprised in other survey numbers, referred supra, are either Natham lands or temple lands and, therefore, the respondents will take care of the same.

4. 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 comprised in S.F.Nos.684 and 685 with the assistance of the



W.P.No.13809 of 2023

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.)
28.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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W.P.No.13809 of 2023

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WEB COPY



W.P.No.13809 of 2023

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W.P.No.13809 of 2023

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