WEB COPY

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.13675 of 2023

1 A.Karthikeyan
2 V.Chandra Sekar
3 N.Viswanathan
4 V.Santhoshbabu
5 K.Sengottuvelan
6 A.Chakaravarthy
7 S.Azhakhiamanavalan
8 K.Muralidharan .. Petitioners

Vs

1 The District Collector
Salem District, Room No.101
First Floor, Collectorate
Salem - 636 001.

2 The Revenue Divisional Officer
Salem Revenue Division
Salem - 636 001.

3 The Tahsildar
Salem Taluk
Manakkadu, Salem - 636 007.

https://www.mhc.tn.gov.in/judis

WEB COPY

4 The Commissioner
Salem Corporation
Salem - 636 001.

5 The Assistant Commissioner
Salem Corporation
Suramangalam Zone - I
Salem - 636 005.

6 The Inspector of Police
Shevapet Police Station
Salem City District
Salem - 636 002.

7 V.Subramani
8 S.Vadivel .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 5 to remove the encroachment and constructions made by respondents 7 and 8 in Chinnamaran Municipal Lane comprised in T.S.No.81, Block No 9, Ward AB, Salem Corporation and restore the said Lane for public use.

For the Petitioner : Mr.T.M.Hariharan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 6

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

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

W.M.P.No.13348 of 2023 filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate set of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2. The petitioners have filed this writ petition seeking issuance of a writ of mandamus to direct respondents 1 to 5 to remove the encroachment and constructions made by respondents 7 and 8 in Chinnamaran Municipal Lane comprised in T.S.No.81, Block No 9, Ward AB, Salem Corporation and restore the said lane for public use.

3. Mr.T.M.Hariharan, learned counsel for the petitioners, would submit that respondents 7 and 8 have encroached upon the

https://www.mhc.tn.gov.in/judis

WEB COPY

Chinnamaran Municipal Lane comprised in T.S.No.81, Block No 9, Ward AB, Salem Corporation, and have put up unauthorised construction therein obstructing access of the local residents from both ends. In support of the submission that the land in question is classified as "Municipal Lane", learned counsel for the petitioner produced a copy of the Town Survey Land Register.

4. Learned counsel for the petitioners further submitted that although the representation made by the petitioners on 4.2.2021 has been forwarded by the first respondent to the second respondent and by the second respondent to third respondent, till date no action has been initiated by the respondent authorities. Hence, the petitioners have been advised to file the present writ petition.

5. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents 1 to 6, submitted that, if four weeks' time is granted to the respondent authorities, they will conduct a survey of the land in question and thereafter remove the

https://www.mhc.tn.gov.in/judis

WEB COPY

encroachment.

6. 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 land in question with 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 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.)
28.04.2023

Index : No
Neutral Citation : No
sasi

https://www.mhc.tn.gov.in/judis

WEB COPY

To:

1 The District Collector
Salem District, Room No.101
First Floor, Collectorate
Salem - 636 001.

2 The Revenue Divisional Officer
Salem Revenue Division
Salem - 636 001.

3 The Tahsildar
Salem Taluk
Manakkadu, Salem - 636 007.

4 The Commissioner
Salem Corporation
Salem - 636 001.

5 The Assistant Commissioner
Salem Corporation
Suramangalam Zone - I
Salem - 636 005.

6 The Inspector of Police
Shevapet Police Station
Salem City District
Salem - 636 002.

https://www.mhc.tn.gov.in/judis

WEB COPY

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

(sasi)

W.P.No.13675 of 2023

28.04.2023

https://www.mhc.tn.gov.in/judis