



WEB COPY



WP No.24316 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.24316 of 2018

M.Sekaran : Petitioner

versus

- 1.The District Collector,
Tiruppur District
- 2.The Sub-Collector,
Dharapuram, Tiruppur District
- 3.The Tahsildar,
Dharapuram Taluk, Tiruppur District

4.Pooranam : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to take action against the fourth respondent pursuant to the proceedings of the 1st respondent in Na.Ka.5167/2017/B3 dated 13.06.2017.

For the Petitioner : Mr.Arul Gnana Prakash

For Respondents 1 to 3 : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mr.K.M.D.Muhilan, A.G.P.

For Respondent No.4 : Mr.M.Guruprasad

ORDER

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(Made by the Hon'ble Chief Justice)

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We have heard Mr.Arul Gnana Prakash, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, for respondents 1 to 3 and Mr.M.Guruprasad, learned counsel for respondent No.4.

2. The petitioner alleges encroachment by respondent No.4 in Natham Survey No.2254 comprised in re-survey No.390.

3. It is contended by learned counsel for respondent No.4 that House Site Dharkast patta (HSD Patta) has been issued to respondent No.4 in respect of 46 sq.m. The land is a natham land. The villagers have built their huts in the said land. The said land is in no way causing hindrance to the school. The respondent no.4 has offered to pay land cost to the Government over the encroached area of 396 sq.m.

4. It appears that the District Collector, Tiruppur, under his communication dated 13.06.2017, instructed the Tahsildar, Dharapuram, to take appropriate action. The Revenue inspector, Mulanur, was instructed to inspect and submit a report. Pursuant



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thereto, measurement was conducted and encroachment of 396 sq.m. is found at the behest of respondent no.4.

5. The State authorities cannot allow encroachments, and then say that steps are being taken to regularise the same. We can understand if patta is granted, then the occupation would be an authorised occupation. In fact, steps have to be taken to maintain the Government property.

6. The authorities are expected to take steps in accordance with law, to preserve the Government property. The respondent authorities shall take steps in accordance with the policy existing, and decision to that effect be taken within four months from today.

7. The writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(tar)

To

1.The District Collector, Tiruppur District

2.The Sub-Collector,
Dharapuram, Tiruppur District

3.The Tahsildar,
Dharapuram Taluk, Tiruppur District

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