



W.P.No.19446 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM :

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

AND

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

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P.Selvarajan

.. Petitioner

Vs

- 1.The District Collector,
District Collectorate,
Salem District.
- 2.The District Revenue Officer,
District Collectorate,
Salem-636 001,
Salem District.
- 3.The Revenue Divisional Officer,
Revenue Division Office,
Attur-636 102,
Salem District.
- 4.The Tahsildar,
Taluk Office,
Attur-636 102,
Salem District.



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5.The Commissioner,
Attur Municipality,
Municipality Office,
Attur, Salem District-636 102.

6.M.Arun
7.L.Nagalakshmi
8.Loganathan
9.P.Sitaraman
10.Sheik Ahamed
11.A.Subramani
12.T.Alagesan
13.M.Venkatesan
14.Rajamkendiran
15.M.Sivanesan
16.A.Rajeswari
17.R.Ranganathan
18.Balakrishnan
19.M.G.Sekar
20.D.Mahalingam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 5 to consider the representations dated 6.4.2015 and 6.6.2018 filed by the petitioner under Government Order in G.O.(Ms) No.540 Revenue (LD6(2)) Department dated 4.12.2014 to remove encroachments made in Government poramboke lands in Town Survey No.520/1B, 2A1 – New Town Survey – Ward D, Block 23, Survey No.5, measuring 0.0723.5 Sq. meters situated in Attur Town, Salem District in accordance with law.



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For the Petitioner	: Ms.S.Yogalakshmi for M/s.K.Rajsekaran
For the Respondents	: Mr.P.Muthukumar State Government Pleader assisted by Mrs.R.Anitha Spl. Government Pleader for respondents 1 to 4
	: Mr.P.Srinivas for respondent No.5
	: Mr.G.Sankaran Senior Counsel for M/s.S.Nedunchezian for respondents 9 and 20
	: Mr.A.Radhakrishnan for respondents 10, 11, 12, 14 and 15
	: No appearance for respondents 7, 8 and 16
	: Not Ready in Notice for respondents 6, 13, 17, 18 and 19



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ORDER

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We have heard learned counsel for the petitioner and learned counsels for the respondents.

2. The petitioner alleges encroachment made in Government poramboke land in Town Survey No.520/1B, 2A1, New Town Survey – Ward D, Block 23, Survey No.5 measuring 0.0723.5 square metres situated at Attur Town, Salem District.

3. According to the petitioner, the said land is a Government poramboke land.

4. According to learned Special Government Pleader, the Government had allotted the writ land to the Attur Municipality for park.

5. According to learned senior counsel for respondents 9 and 20, the shops are leased by the Attur Municipality and under a valid



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lease, the said respondents are occupying the same for more than 40 years.

6. Learned counsel for respondents 10, 11, 12, 14 and 15 also makes the same submission.

7. There is no document placed on record to substantiate that the Government had allotted the said land to the Attur Municipality for park. The development plan is also not placed on record to suggest the purpose for which the said land is reserved i.e., park, residential, commercial or otherwise. In absence thereof, no specific order can be passed.

8. Learned State Government Pleader, on the basis of the information received from the Tahsildar, Attur, submits that the District Collector, Salem has requested the concurrence of the Commissioner of Municipal Administration for cancellation of the alienation of the above land made to the Attur Municipality. After the receipt of the concurrence from the Commissioner of Municipal



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Administration, appropriate orders would be passed by the District Collector, Salem.

9. The Government, if it wants to take steps, certainly, it will have adhere to the provisions of law, regulations and may take steps in accordance with the same.

10. With the above observation, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.5095, 5101, 5104, 5110, 5115 and 23816 of 2019 are closed.

(S.V.G., C.J.)

(P.D.A., J.)

18.07.2023

Index : Yes/No
Neutral Citation : Yes/No
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Salem District.
- 5.The Commissioner,
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Municipality Office,
Attur, Salem District-636 102.



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THE HON'BLE CHIEF JUSTICE
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