



W.P.No.26490 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26490 of 2023

K.Rajkumar

.. Petitioner

Vs.

1. The District Collector
Salem District
Salem 636 302.
2. The Revenue Divisional Officer
Salem Taluk
Salem District.
3. The Commissioner
Salem Corporation
Salem 636 302.
4. The Tahsildar
Salem Taluk
Salem District.
5. The Superintending Engineer
TANGEDCO
Salem West, Annadanapatti
Salem District 636 002.



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6. Rajalakshmi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to immediately remove the encroachment put up in the public park and also the electricity connection erected in the encroached land by the sixth respondent comprised in T.S.No.58 situated Indon Nagar, Jagirreddypatti, Salem District 636 302 from any future encroachment by any person.

For the Petitioner : Ms.C.A.Sharmila

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 to 4

Mr.I.Syed Sibghatulla
Standing Counsel
for Respondent-5

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Ms.C.A.Sharmila, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader for the respondents 1 to 4 and Mr.I.Syed Sibghatulla, learned Standing Counsel for the fifth respondent.



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2. It is alleged that park and playground are encroached and being used by the sixth respondent.

3. The Tahsildar has placed on record the status report. The relevant excerpts of the same read thus:

"It is further submitted that the 6th respondent Mrs.Rajalakshmi W/o Saravanan has been constructing a new building in her patta land comprised in Ward-A, Block-26, Town Survey No 99/2 an extent of 0.0079.5 Sqm. Hence the 6th respondent temporarily occupied the land adjacent to land allotted for Park, to store the blue metal and sand temporarily to construct the house. In this patta land the 6th respondent brought the temporary Electricity connection and construct the tent in the park area and placed the Electricity Board meter inside the tent. There is no permanent encroachment in the above said land. It is also found that the petitioner's relatives using the OSR lands to park their cars that area We have communicated to Salem Corporation to take necessary action to safeguard the land allotted for "Park".



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I herewith enclose the copies of the village records (A-register, FMB sketch and coloured sketch) related to the above said land.

4. It is clear that the petitioner also cannot use the park for parking his vehicles. Be that as it may, the Tahsildar has assured that the Salem Corporation is being informed for taking necessary action and to maintain the park and playground.

5. In the light of that, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

02.11.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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