



W.P.No.32793 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32793 of 2022

Tamil Nadu People Service Trust
rep by its Founder K.Nataraj
S/o Kuppan
Airport Colony, Kamalapuram Post
Omalur Taluk
Salem District 636 309

.. Petitioner

v

1. The District Collector
O/o the District Collector
Salem District, Salem
2. The Sub Collector
Mettur, Salem District
3. The District Registrar
O/o the District Registrar
of Registration Department
Salem



W.P.No.32793 of 2022

4. The Tahsildar
Omalur Taluk Office
Salem District

5. The Special Tahsildar
Adidraavidar Welfare Department
Omalur, Salem District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to remove the encroachers in the vaikkal near in respect of the land in Survey No.78/3a, patta No.227 to the extent of 1 acre and 33 cents, Kottamettupatti Village, Adidraavidar Colony, Omalur Taluk, Salem District and direct the third respondent to cancel the patta who are obtained by the encroachers and also direct the respondents 4 and 5 to hand over the said lands to land less persons who belonged to Adidraavidars community, based on the representations of the petitioner dated 29.01.2022, 09.02.2022 and 21.10.2022 in the above same within stipulated time may be fixed by this Hon'ble Court.

For Petitioner :: Mr.M.Senthil Kumar

For Respondents :: Mr.P.Muthukumar
State Government Pleader
for R1 to R5

ORDER

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

The petitioner has come to this Court praying for issuance of a writ of mandamus directing the District Collector, Salem District, the first respondent herein to remove the encroachers in the vaikkal in respect of the land in



W.P.No.32793 of 2022

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Survey No.78/3A, Patta No.227 to an extent of 1 acre and 33 cents situated in Kottamettupatti Village, Adidraavidar Colony, Omalur Taluk, Salem District and to direct the third respondent to cancel the patta obtained by the encroachers with a further direction to the respondents 4 and 5 to hand over the said lands to landless persons belonging to Adidraavidar community, based on the representations of the petitioner dated 29.01.2022, 09.02.2022 and 21.10.2022 within a stipulated time fixed by this Court.

2. Having heard the learned counsel appearing for the petitioner, we are of the considered view that the petitioner has unnecessarily come to this Court seeking for removal of encroachments in the patta land bearing Patta No.227 comprised in Survey No.78/3A of Kottamettupatti Village, Omalur Village, Salem District. We have also seen the copy of the joint Patta No.929 issued in favour of Mrs.Chandra, W/o Vadivel, Mr.Kuppusamy, S/o Palanisamy, Mr.Arthanari, S/o Kandasamy Chettiyar, Mr.Janarthanan, S/o Kandasamy Chettiyar, Mr.Sivakumar, S/o Duraisamy Chettiyar, Mr.Thangavelu, S/o Sengoda Gounder & Mrs.Rehena Begum, W/o Abdul



W.P.No.32793 of 2022

WEB COPY

Ravub with regard to the land covered in Survey No.78/3A. Moreover, no writ will lie against the removal of encroachment in a patta land. Therefore, the writ petition is dismissed. There is no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.)

(D.B.C.,J.)

Index : yes/no

09.01.2023

SS

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W.P.No.32793 of 2022

Adidravidar Welfare Department
Omalur, Salem District



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W.P.No.32793 of 2022

THE HON'BLE ACTING CHIEF JUSTICE
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W.P.No.32793 of 2022

09.01.2023