



WP No.33194 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM :

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

AND

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

WP No.33194 of 2022

R.Thirtham

.. Petitioner

versus

1. The District Collector,
O/o District Collectorate,
Salem-636 001.
2. The Block Development Officer,
Panchayat Union Office,
Ayodhiyapattinam,
Salem-636103.
3. The Tahsildar,
O/o Salem Taluk,
Salem District-636 007.
4. M.Thangavel
(4th respondent impleaded as per
order dated 06.07.2023 in WMP
No.5457 of 2023)

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus directing the respondents to consider the petitioner representation dated 09.08.2021 seeking to take appropriate action against the

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encroachments made in S.No.124/8 of Valasaiyur Village, Salem Taluk.

For the Petitioner : Mr.J.Rajmohan
For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
For R.1 to R.3
: Mr.G.Raja
for R.4

* * * * *

ORDER

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

We have heard Mr. J.Rajmohan, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, for the respondents 1 to 3, so also Mr.G.Raja, learned counsel for the impleaded respondent No.4.

2. The petitioner alleges encroachment of S.No.124/8. Status report is filed by the Block Development Officer giving the details of the alleged encroachment. It is stated that Bhaskar, S/o.Srinivasan has removed the encroachment. The details are given as under:



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<i>S.No.</i>	<i>Name of the encroachers</i>	<i>Nature of encroachment</i>	<i>Encroached area</i>
1	Chandra D/o.Vellaiyan	Bathroom	0.0002.0
2	Murugesan S/o.Solai Gounder	Floor, Cloth washing stone	0.0018.0
3	Thangavel S/o.Manickaundaiyar	Coconut Trees-12 Mango Trees-2	0.0396.0
4	Bhaskar S/o.Srinivasan	Flower Plants	0.0001.0

3. According to the learned counsel for the applicant of the impleadment application, no encroachment has been committed by the applicant. He has grown coconut trees and mango trees at the edge of his land and he has not encroached upon the cart track or any other property.

4. The status report further states that in case of encroachment of Thangavel, the Village Panchayat has passed a resolution on 30.01.2023 to take over the trees for Panchayat maintenance and the encroachments by Chandra and Murugesan would be removed by following due process in accordance with law.



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5. If the applicant of the impleadment application has a right over the coconut and mango trees as alleged by him, he may take appropriate steps against the village panchayat or the Government authorities as may be permissible under law by filing appropriate proceedings. In that event, all the parties would be entitled to raise their pleas. The Government authorities if they find that there is encroachment and it is to be removed, then they shall follow the provisions and due process of law.

With these observations, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

06.07.2023

Index : yes/no
Neutral Citation : Yes/No
sra



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To:

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Salem-636103.
3. The Tahsildar,
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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKESAVALU, J.

(sra)

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