



W.P.No.28234 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

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Grama General Welfare Sangam,
Registration No.7/2015 represented by
its President Pasarai Balu,
Kamaraj Nagar, Kachirapalyam,
Chinna Salem Taluk,
Villupuram District.

.. Petitioner

Vs.

1. The Government of Tamil Nadu
represented by its Secretary,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai 600 009.
2. The District Collector,
Collectorate Office, Villupuram.
3. The Revenue Divisional Officer,
Kallakurichi, Villupuram District.
4. The Tahsildar,
Chinna Salem, Villupuram District.



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5. The Executive Officer,
Vadakanantha Town Panchayat,
Villupuram District.

6. Raman,
S/o.Karuppan Chetty, Poyar Street,
Kanchirapalayam, Chinna Salem Taluk,
Villupuram District.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the respondents particularly the District Collector, Villupuram and the Executive Officer, Vadaganandal Town Panchayat, Chinna Salem, to demolish the unauthorised constructions put up in Old Survey No.22/4A, New Survey No.445/3, to an extent of 8 cents in Vadaganandal and Kachirapalayam Panchayat, Chinna Salem Taluk, Villupuram District and consequently direct the respondents to resume the land and allot to the beneficiaries under the Harijan Welfare Housing Scheme in Vadaganandal and Kachirapalayam Village.

For Petitioner	: Mr.K.Balakrishnan
For RR1 to 4	: Mr.A.Selvendiran Special Government Pleader
For R5	: No appearance



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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

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The petitioner is a Sangam, which was formed for the welfare of people in Kachirapalayam and Vadakanandal Village. According to the petitioner, the land comprised in New Survey No.445/3, 445/2C4, corresponding to Old Survey Nos.22/3A, 22/3B and 22/4A, measuring to an extent of 12 cents was acquired by the Government of Tamil Nadu in the year 1956 under the Harijan Welfare Housing Scheme for the purpose of providing house sites to the Adhi Dravidar of Kachirapalayam and Vadakanandal Village, pursuant to which, the said land was divided into two streets and allowed the beneficiaries to put up houses on the edge of both streets. While that being so, on 12.08.2013, Poyar Community people encroached the public pathway, put up construction and living there. Therefore, the petitioner sent several representations dated 03.07.2014, 19.08.2016, 02.11.2016 and 20.07.2017 to the respondents 1 to 6 seeking removal of the said encroachment. Finding no response on the same, the petitioner has come up with this writ petition seeking a direction to the respondents particularly second and fifth respondents herein to demolish the unauthorised constructions, resume the said land and allot the same to the



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beneficiaries under the Harijan Welfare Housing Scheme in Vadakanandal
and Kachirapalayam Village.

2. Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that it would suffice, if a direction is given to the respondents 1 to 5 to dispose of the petitioner's representations dated 03.07.2014, 19.08.2016, 02.11.2016 and 20.07.2017, within a time frame to be stipulated by this Court, for which, the learned Special Government Pleader appearing for the respondents 1 to 4, has no serious objection.

3. In view of the limited relief sought herein, which has not been seriously opposed on the side of the respondents authorities, this court without going into the merits of the case, directs the second respondent to consider the petitioner's representations dated 03.07.2014, 19.08.2016, 02.11.2016 and 20.07.2017, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there



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is any encroachment as alleged by the petitioner, the same shall be removed after following due process of law.

4. With the aforesaid direction, this writ petition stands disposed of. No costs.

[R.M.D., J.] [M.S.Q., J.]
01.02.2023

nsd
Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No



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To

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Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai 600 009.
2. The District Collector,
Collectorate Office, Villupuram.
3. The Revenue Divisional Officer,
Kallakurichi, Villupuram District.
4. The Tahsildar,
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