



WEB COPY



W.P.No.33868 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.P.No.33868 of 2023

C.Arthanari

.. Petitioner

Vs.

1.The District Collector
Salem District
Room No.101, First Floor
Collectorate, Fort Main Road
Salem 636 001

2.The Revenue Divisional Officer
Vijayanagaram
Attur Taluk
Salem District 636 102

3.The Tahsildar
Thalaivasal Taluk Office
Thalaivasal
Salem 636 112

4.N.Kandasamy

5.K.Kuppusamy

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying
to issue a writ of mandamus directing the respondents 1 to 3 herein to remove



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the encroachment jointly made by the respondents 4 and 5 by digging, encroaching and annexing the common pathway situate in survey Nos.319/3A1, 319/2A1 and 320/2A3, Siruvachur South Village, Thalaivasal Taluk, Salem District, lying amidst their lands being continuously used by other land owners including the petitioner herein for more than 60 years, into their lands by considering the petitioner's representation dated 11.01.2023 and subsequently reminder dated 20.09.2023.

For Petitioner : Mr.K.Subramanian
For R1 to R3 : Mr.P.Muthukumar
Government Pleader

ORDER

(Order of the court was made by R. MAHADEVAN, J.)

This writ petition has been filed by the petitioner seeking a direction to the respondents 1 to 3 to remove the encroachment jointly made by the respondents 4 and 5 in Survey Nos.319/3A1, 319/2A1 and 320/2A3, Siruvachur South Village, Thalaivasal Taluk, Salem District, by considering the petitioner's representations dated 11.01.2023 and 20.09.2023.

2. It is the case of the petitioner that he is a permanent member of Sivasankarapuram Land Development Co-operative Society and carrying out cultivation in the lands comprised in S.Nos.318/1, 318/2 and 6142C, which



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were allotted by the Government. Similarly, some waste lands in and around the said Society allotted by the Government to the Society, were distributed by the Society among its members for carrying out cultivation. The lands comprised in S.Nos.319/3A1, 319/2A1 and 320/2A3 have been used as common pathway by the members for more than 60 years. While so, the respondents 4 and 5 jointly encroached the said common pathway by annexing the same with their lands, which caused great difficulty to other members for taking their agricultural products through vehicles. Hence, the petitioner and other members requested the respondents 4 and 5 to remove their encroachment in the common pathway, for which, they demanded money. In such circumstances, the petitioner lodged a complaint on 11.01.2023 to the 2nd respondent. Since, no steps were taken to remove the said encroachment, the petitioner sent another representation dated 20.09.2023 to the District Collector, Salem, annexing a copy of the complaint dated 11.01.2023, for necessary action to restore the common pathway. Finding no response, the petitioner has filed the present writ petition seeking the above relief.

3. The learned counsel for the petitioner has submitted that it would suffice, if a direction is given to the official respondents to dispose of the petitioner's representation dated 11.01.2023 followed by the reminder dated 20.09.2023, within a time frame to be stipulated by this Court.



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4. Today, when the matter is taken up for admission, the learned Government Pleader took notice for the respondents 1 to 3 and submitted that steps are being taken to survey the land in question and when the said work is completed, if any encroachment as alleged by the petitioner is found out, the same shall be removed, after following due process of law. The learned Government Pleader has also placed a copy of the proceedings of the 3rd respondent dated 01.12.2023 to that effect.

5. Recording the above submission of the learned Government Pleader, this Court grants eight weeks time from the date of receipt of a copy of this order to the respondents 1 to 3 to take appropriate action to remove the encroachment, if any, as alleged by the petitioner.

6. With the above direction, this writ petition is disposed of. No costs.

[R.M.D,J.] [M.S.Q, J.]
01.12.2023

Neutral Citation : Yes/No
gya



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