



WEB COPY



W.P. No.33243 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.33243 of 2018

A. Rajendran

Petitioner

v

1 The District Collector
Collectorate
Salem District

2 The District Revenue Officer
Collectorate
Salem District

3 The Revenue Divisional Officer
Attur Taluk & Post
Salem District

4 The Tahsildar
Gangavalli Taluk Office
Gangavalli Taluk & Post
Salem District

5 Ganeshan

6 The Block Development Officer
Block Development Office
Thalaivasal Post 636 112
Attur Taluk, Salem District

Respondents

(R6 impleaded vide order dated 05.03.2019 in
W.M.P. No.4876 of 2019 in W.P. No.33243 of
2018)

<https://www.mca21.gov.in/judis>



W.P. No.33243 of 2018

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to consider the representation dated 15.09.2018 and reminder representation dated 28.11.2018 submitted by the petitioner in the light of G.O. Ms.No.540, Revenue [LD6(2)] Department dated 04.12.2014 and to remove the encroachment made by the 5th respondent which is situated in bearing old S.No.223/18A, New S. No.609/2, which is classified as Natham Poramboke (Government Land), which is situated in Veeraganur Village, Gangavalli Taluk, Salem District, within a time frame.

For petitioner Mr. A. Rajakumar

For RR 1-4 & 6 Mr. A. Selvendran
Special Govt. Pleader

For R5 Mr. K.R. Samratt

ORDER

(made by S. VAIDYANATHAN, J.)

This writ petition has been filed seeking a writ of mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 15.09.2018 and the reminder representation dated 28.11.2018 in the light of G.O. Ms.No.540, Revenue [LD6(2)] Department dated 04.12.2014 and to remove the encroachment made by the 5th respondent in old S.No.223/18A, New S. No.609/2 which is classified as Natham Poramboke (Government land), which is situated in Veeraganur Village, Gangavalli Taluk, Salem District.



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2 The official respondents, viz., respondents 1 to 4, have filed a counter affidavit in January 2019, wherein, at paragraph 5, it has been stated that the construction of a house in a natham site could not be treated as objectionable encroachment, which can be regularised in due course.

3 It is stated by the fifth respondent that there is a dispute between him and the petitioner and the petitioner is attempting to invoke the jurisdiction of this Court to settle the private dispute which is not permissible. He also drew the attention of this Court to page no.30 of the typed set of papers, filed by the petitioner where, the layout has been drawn and a portion of the property which is said to be encroached is shown as natham poramboke.

4 Having due regard to the submission of the parties, this Court cannot go into the disputed question of fact and it is for the parties to get their grievance redressed before the appropriate civil forum. It is made clear that the observations, if any, made in this order, touching upon the merits of the matter, shall not be put against any of the parties, in case, a dispute is raised before the appropriate forum by any of them.



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W.P. No.33243 of 2018

S. VAIDYANATHAN, J.
and
K. RAJASEKAR, J.

cad

This writ petition stands disposed of accordingly, sans costs.

(S.V.N., J.) (K.R.S., J.)
08.08.2023

cad

To

- 1 The District Collector
Collectorate
Salem District
- 2 The District Revenue Officer
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