



WP No.4526 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.4526 of 2022  
and WMP No.4654 of 2022

A.Vadivel

.. Petitioner

-vs-

1. The District Collector,  
Salem.
2. The Superintendent of Police,  
Salem District, Salem.
3. The Revenue Divisional Officer,  
Aathur, Salem District.
4. The Thasildhar,  
Thalaivasal, Thalaivasal Taluk,  
Salem District.
5. The Block Development Officer,  
Thalaivasal Panchayat Union,  
Thalaivasal.
6. The President,  
Navalur Panchayat,  
Thalaivasal Taluk,
7. Selvaraj



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8. Rajeswari

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to remove the encroachment in S.No.103/3 Government Porombokke at Navalur Village, Thalaivasal Taluk, Salem District, including the encroachment and construction put up by 7<sup>th</sup> and 8<sup>th</sup> respondents.

For the Petitioner : Mr.N.Suresh

For the Respondents : Mr.T.K.Saravanan,  
Government Advocate for RR 1 to 5  
: No appearance for R-6  
: Mr.Palani Kumar  
for Mr.S.Kaithamalai Kumaran  
for RR 7 and 8  
\* \* \* \* \*

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.N.Suresh, learned counsel for the petitioner, Mr.T.K.Saravanan, learned Government Advocate for respondent Nos.1 to 5 and Mr.Palani Kumar, learned counsel for respondent Nos.7 and 8.

2. The petitioner seeks to remove the encroachment in S.No.103/3 of Navalur Village, Thalaivasal Taluk, Salem District, made by respondent Nos.7 and 8. The said land is classified as a



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Government poromboke land.

3. According to the learned counsel for respondent Nos.7 and 8, the construction made by respondent Nos.7 and 8 is in S.No.103/4. The learned counsel submits that respondents 7 and 8 are the owners of the property pursuant to a registered instrument of the sale.

4. The learned Government Advocate submits that a survey was conducted on 15.03.2022, encroachment was noticed on the said land and an intimation was sent to the Block Development Officer to remove the encroachment.

5. The Block Development Officer cannot remove the encroachment. The provisions of the Tamil Nadu Land Encroachment Act, 1905 have to be followed.

6. In accordance with the survey, the steps for removal of encroachment shall be undertaken in respect of S.No.103/3 by following proper procedure. The steps shall be initiated within three months from today.



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With this observation, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**(S.V.G., CJ.)**

**(D.B.C., J.)**

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Index : Yes/No

Neutral Citation : Yes/No

sra



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