



W.A.No.3559 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM:

THE HONOURABLE MR JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR JUSTICE C.KUMARAPPAN

W.A.No.3559 of 2024

Govindhan

...Appellant

Vs.

1. Vana Urimai Kuzhu,
Rep. by its President M.Ramar,
Palamaedu Village, Danishpet Panchayat,
Omalur Taluk,
Salem District.
2. The State of Tamil Nadu by
The Collector,
Salem District,
Salem
3. The Revenue Divisional Officer,
Mettur,
Salem District.
4. The Special Tahsildar,
Adhi Dravidar Welfare,
Omalur, Salem District.
5. The Tahsildar,

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Omalur, Salem District.

6. The Village Administrative Officer,
Danishpet Village & Post,
Omalur Taluk, Salem District.

7. Pappa

...Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order passed in W.P.No.1632 of 2015 dated 18.04.2022 by the learned Judge of this Court, Madras.

For Appellant	:	Mr. M.Elango
For Respondents	:	Mr. Vadivelu Deenadayalan, Additional Government Pleader (for R2 to R6) R-1 (No appearance)

J U D G E M E N T

*(Judgement of the Court was delivered by **R.SUBRAMANIAN, J.**)*

We have heard Mr. M.Elango, the learned counsel for the appellant and Mr. Vadivelu Deenadayalan, the learned Additional Government Pleader appearing for the second to sixth respondents.

2. In a Writ Petition, where the appellant sought assignment of the



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land in question, the Writ Court found that the land is classified as a water body. On such finding, the Writ Court directed the Official respondents to take action to remove the encroachment. The seventh respondent is on appeal against the said direction.

3. Reliance is sought to be placed on an earlier order of this Court made in W.P.No.3939 of 2013, wherein this Court had directed that the appellant cannot be evicted except by following the due process of law.

4. A reading of the order impugned in this appeal shows that the Writ Court is only reiterating the earlier order and had said that the Official respondents will take appropriate action for eviction of the appellant, if the said land is classified as a water body. We, therefore, see no merit in the appeal, as the appellant himself does not claim any independent right over the property, except the right of occupancy.

5. Hence, this Writ Appeal is dismissed. No costs.



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(R.S.M., J.) (C.K., J.)
16.12.2024

kv

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

1. President M.Ramar,
Vana Urimai Kuzhu,
Palamaedu Village, Danishpet Panchayat,
Omalur Taluk, Salem District.
2. The Collector,
Salem District, Salem
3. The Revenue Divisional Officer,
Mettur, Salem District.
4. The Special Tahsildar,
Adhi Dravidar Welfare,
Omalur, Salem District.
5. The Tahsildar,
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