



W.P.No.13282 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2024

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13282 of 2020

S.Palanisamy

.. Petitioner

Vs

- 1 The District Collector
Salem District.
- 2 The Thasildhar
Salem West Thasildhar Office
Sooramangalam Salem -5.
- 3 Selvam
- 4 Samabath Kumar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 and 2 to remove the encroachments caused by the respondents 3, 4 and others over the Public Tank (Water body) comprised in the SF.No.46 Vedukathampatti Village, Salem District by considering the representation of the petitioner herein dated 21.08.2020.



W.P.No.13282 of 2020

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For the Petitioner : Mr.R.Nalliyappan

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by Mr.T.K.Saravanan
Government Advocate
for respondents 1 and 2

: Mr.T.S.Vijayaraghavan
for 3rd respondent

: Not ready in notice
for 4th respondent

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.R.Nalliyappan, learned counsel for the petitioner;
Mr.A.Edwin Prabakar, learned State Government Pleader, assisted
by Mr.T.K.Saravanan, learned Government Advocate for
respondents 1 and 2; and Mr.T.S.Vijayaraghavan, learned counsel
for the third respondent.

2. The encroachment is alleged on the waterbody. It is
submitted that Survey No.46 is a water body and respondents 3



W.P.No.13282 of 2020

and 4 have encroached upon the same.

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3. A status report is filed by the second respondent. The classification of the land is detailed in the status report as per the "A" Register. Survey No.46/1 has been sub-divided. Survey No.46/1B is Eri and some part of Survey No.46/1A is categorized as Railway. The status report states that the second respondent had directed the persons, who were issued patta in respect of Survey No.46, to submit the relevant records and documents with respect to the lands in their possession. A report would be prepared by the second respondent and the same will be sent to the District Revenue Officer, Salem District, and as per the orders to be passed by the District Revenue Officer, Salem District, the second respondent will take all necessary and further action. The said statement is recorded.

4. It is further stated that the land referred to as Kuttai/Eri in Survey No.46/1B to an extent of 5.08 hectares and parcel of land to an extent of 0.07 hectares in Survey No.46/12 has been noted and



W.P.No.13282 of 2020

shown as water catchment area. The same was encroached by various persons as detailed in the status report. The eviction process has commenced with police protection on 25.1.2022. The encroachments have been removed therein.

5. The enquiry that is pending before the District Revenue Officer, Salem District, as is clarified in the status report, shall be completed expeditiously, preferably within four months and then further steps in accordance with law shall be taken pursuant to the decision/report of the District Revenue Officer.

The writ petition is disposed of accordingly. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

09.02.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi



W.P.No.13282 of 2020

WEB COPY

To

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WEB COPY



W.P.No.13282 of 2020

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

W.P.No.13282 of 2020

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