



WEB COPY

W.P.No.1852



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 21.03.2024**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**and**

**THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.P.No.18521 of 2020**

V.Vijayan

... Petitioner

Vs.

1. The District Collector,  
Salem District, Salem.
2. The District Revenue Officer,  
Salem District Collectorate (R.No.105),  
1<sup>st</sup> Floor, Brett's Road, Salem.
3. The Revenue Divisional Officer,  
Salem District Collectorate (R.No.105),  
Ground Floor, Brett's Road,  
Salem.
4. The Tahsildar, Salem District,  
Salem.
5. K.R.Ramasamy

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3<sup>rd</sup> and 4<sup>th</sup> respondents to remove the encroachment made by the 5<sup>th</sup> respondent and their men in Government porompoke land in S.No. 31 of Erumapalayam Village, Salem District, as directed by the first respondent in his communication in Na.Ka. 11268 / 2019 / K4 dated 29.08.2019 by considering the petitioner's representation dated



31.01.2019.

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For Petitioner : Mr.K.Gandhi Kumar

For R1 to R4 : Mr.A.Selvendran,  
Special Government Pleader

For R5 : Mr.R.Nalliyappan

### **ORDER**

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ of Mandamus has been instituted to direct the respondents 3 and 4 to remove the encroachment made by the 5<sup>th</sup> respondent and their men in Government porompoke land in S.No. 31 of Erumapalayam Village, Salem District, as directed by the first respondent in his communication in Na.Ka. 11268 / 2019 / K4 dated 29.08.2019 by considering the petitioner's representation dated 31.01.2019.

2. With reference to the alleged encroachments in S.No.31, Erumapalayam Village, Salem District, the learned Special Government Pleader, based on the written instructions of Tahsildar, Salem, made a submission that there are no encroachments identified in Survey No.31, as alleged by the writ petitioner. The said land has been classified as “Grama Natham” and the



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competent authorities assigned the land in favour of poor landless people for construction of residential houses. Since smaller extent of land of “Grama Natham” has been assigned to landless poor people in accordance with the Government Scheme, there is no infirmity. However, the counter filed by the Tahsildar reveals that regarding the eviction of encroachments in S.No.31/27, Erumapalayam Village, Salem District and the Memo Na.Ka.11268/2019/k4 received the attention of the respondents 3 and 4 and the issue is under consideration and a decision will be taken in accordance with the Act and Rules. If any such encroachments are identified in S.No.31/27, Erumapalayam Village, Salem District, the respondents are bound to initiate all appropriate action to evict the encroachers by following due process of law. All appropriate actions in this regard are directed to be initiated and encroachments, if any identified, are directed to be removed within a period of 12 weeks from the date of receipt of a copy of this order.

3. Accordingly, the Writ Petition stands disposed of. No costs.

**(S.M.S.,J.)      (K.R.S.,J.)**  
**21.03.2024**

skr  
Index : Yes



Speaking order

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**S.M.SUBRAMANIAM, J.**  
**and**  
**K.RAJASEKAR, J.**  
skr

To

1. The District Collector,  
Salem District, Salem.
2. The District Revenue Officer, Salem District Collectorate (R.No.105),  
1<sup>st</sup> Floor, Brett's Road, Salem.
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