



W.P.No.21446 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2024

CORAM :

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.No.21446 of 2024 and

WMP No.23406 of 2024

K.T.S.Venkatesan

... Petitioner

Vs.

1. The District Collector,
District Collector Office, Erode District.
2. The Revenue Divisional Officer,
Revenue Divisional Office, Perunthurai Taluk,
Erode District.
3. The Revenue Thasildar, Perunthurai Taluk,
Erode District.
4. The Revenue Inspector, Thingalur Village,
Perunthurai Taluk, Erode District.
5. The Village Administrative Officer, Thingalur Village,
Perunthurai Taluk, Erode District.



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6. The Panchayat President,
Karukkupalayam Village, Koothambigai Post,
Perunthurai Taluk, Erode District.

7. S. Subramaniam.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the first and second respondent to remove the encroachment made in the "Government Poramboke Land " classified as " Pond" and commonly known as "Aalikuttai" situated in R.S.No.35/2, 3, 4, 5 and 6 in Karukkupalayam Village, Perunthurai Taluk, Erode District and to bring the land to its original form by considering the petitioner's representation dated 23.07.2024 and for consequential orders.

For Petitioner : Ms.Yogalakshmi

for M.Guruprasad

For Respondents : Mr.A.Edwin Prabhakar,

State Government Pleader

for respondents 1 to 5



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ORDER

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This writ petition has been filed to direct the first and second respondent to remove the encroachment made in the "Government Poramboke Land" classified as "Pond" and commonly known as "Aalikuttai" situated in R.S.No.35/2, 3, 4, 5 and 6 in Karukkupalayam Village, Perunthurai Taluk, Erode District and to bring the land to its original form by considering the petitioner's representation dated 23.07.2024 and for consequential orders.

2. According to the petitioner, the seventh respondent had encroached 20 cents of land in the above said R.S.No.35/2, 3, 4, 5 and 6 in Karukkupalayam Village and with the help of official respondents he cut the 20 years old trees, situated in the bond. It is his contention that at the instance of seventh respondent, the respondents 1 to 6 have laid the mud road encroaching the said pond.

3. The learned State Government Pleader, on instructions submitted



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that, the land in Survey No.35/6, Karukkupalayam Village, Thingalur Sub Taluk, Perunthurai Taluk, measuring to an extent of 0.20.5 Ares is a government puramboke land. He further submitted that by engaging one "Environmental Foundation of India Limited", the works viz., removing of dregs, planting of trees on the boundaries of the pond are going on. He further submitted that during the dredging work, a dried tree (Karuvelamaram) collapsed on 16.07.2024 and action has been taken to sell the collapsed tree in auction and to pay the sale proceeds into the government account. It is submitted by him that a temporary road has been laid for using JCB vehicles in the cleaning works and after the cleaning work is over, that road will be removed.

3.1. He also submitted that, in survey No.35/6 and 35/3, encroachment was made in the " Nilavial Salai" (நிலவியல் சாலை) by putting up a fence and to remove the same, action has been taken under the Tamil Nadu Land Encroachment Act 1905. Further the encroachers themselves have come forward voluntarily to remove the encroachments made by them.

4. Recording the submission made by the learned State Government



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Pleader, it is ordered as follows.

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i) The concerned Tahsildar is directed to take action to remove the encroachments made in the subject matter of the property, by giving notice under the Tamil Nadu Land Encroachment Act to the encroachers, granting 15 days time to remove the encroachments.

ii) If the encroachers failed to remove the encroachment, within the time, as stipulated in the notice, the Tahsildar concerned is directed to remove the encroachments in the subject matter of the property immediately, without any further notice to the encroachers, within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K., A.CJ.)

(K.B.J.)

Internet: Yes/No

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THE HON'BLE ACTING CHIEF JUSTICE

and

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