



W.P.No.25416 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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MARGONI

.. Petitioner

Vs

1. THE DISTRICT COLLECTOR
OFFICE OF THE DISTRICT COLLECTOR,
BRETT'S ROAD, SALEM,
SALEM DISTRICT- 636 001.
2. THE REVENUE DIVISIONAL OFFICER
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
SALEM , SALEM DISTRICT.
3. THE TAHSILDHAR
OFFICE OF THE TAHSILDHAR,
SALEM- SOUTH, NETHIMEDU, SALEM.
4. SRI BALAMURUGAN TRUST
REP BY ITS PRESIDENT C.BALAN,
HAVING ITS REGISTERED OFFICE AT
KATTUR, B NATAMANGALAM POST,
SALEM DISTRICT- 10.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 2 and 3



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take appropriate action for removal of encroachment made by the 4th respondent Trust in "Arasu Parai Poromboke" situated in Survey No. 49/4, measuring an extent of 1.95 Acres lands and survey No. 47/1, measuring 89 cents of land, Kattur, Kondalampatty, Salem South Taluk, Salem District and to dispose of the petitioner's representation dated 08.4.2024.

For the Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for respondent 1 to 3

: Mr.G.Balamurugan
for respondent No.4

ORDER

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

Seeking removal of the encroachment put up by the fourth respondent on the land comprised in Survey No. 49/4, measuring an extent of 1.95 Acres and Survey No. 47/1, measuring 89 cents of land, Kattur, Kondalampatty, Salem South Taluk, Salem District, the petitioner sent a representation to the respondent authorities on 8.4.2024. As the said representation did not elicit any response, the present writ petition is filed.



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2. Learned counsel for the petitioner submitted that ventilating the very same grievance the petitioner had already made an application to the Divisional Monitoring Committee constituted vide G.O.Ms.No.64, Revenue and Disaster Management Department, dated 8.2.2022, headed by the second respondent herein and the said Committee is already *in seizin* of the matter and if a direction is given to the said Committee to expedite the process, the ends of justice would be subserved. He added that the first respondent, vide proceedings dated 10.6.2024, had already forwarded the representation of the petitioner dated 8.4.2024 to respondents 2 and 3 to take necessary action.

3. Considering the narrow scope of the relief now sought by the petitioner, we direct the Divisional Monitoring Committee headed by the second respondent herein to consider the application already submitted by the petitioner [which was also forwarded by the first respondent on 10.6.2024] and pass appropriate orders, on merits and in accordance with law, within a period of four weeks, after affording opportunity to all the interested persons, including



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the fourth respondent. The said Committee shall follow the mandate of G.O.Ms.No.64, Revenue and Disaster Management Department, dated 8.2.2022, in letter and spirit.

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

(D.K.K., ACJ.) (P.B.B, J.)
04.09.2024

Index : Yes/No
NC : Yes/No
sasi

To:

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OFFICE OF THE REVENUE DIVISIONAL OFFICER,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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