



W.P.No.28161 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM :

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

AND

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

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G.Kumaresan

.. Petitioner

Vs.

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Revenue Divisional Officer
Harur
Dharmapuri District.
3. The Tahsildar
Harur Taluk
Dharmapuri District.
4. J.Ravi
Respondents

..

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 1 to 3 to evict the encroachment as found in Survey No.147/1, 139, Ellaipudaiyampatti Village, Harur Taluk, Dharmapuri District, being a



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waterbody and prevent and remove the encroachments made by the respondent No.4.

For the Petitioner : Mr.V.Gunasekar

For the Respondents : Mr.M.Habeeb Rahman
Government Advocate
for Respondents 1 to 3

Mr.C.Prabakaran
for Respondent-4

ORDER

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

The petitioner alleges encroachment by the fourth respondent in S.No.147/1 situated at Ellaipudaiyampatti Village, Harur Taluk, Dharmapuri District.

2. According to learned Government Advocate appearing for the respondents 1 to 3, pursuant to the order of this Court, in the earlier round of litigation, dated 05.07.2021 in W.P.No.13795 of 2021, initiated by the very same petitioner, the encroachment has been removed and the water tank in the land in question has been taken over by the respondent authorities for the purpose of supply



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of water to the public. While so, the fourth respondent again trespassed into the said land and had put up a tin shed. He would submit that in order to remove the said encroachment, the respondent authorities are proposing to issue notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 to the fourth respondent.

3. At this juncture, learned counsel for the fourth respondent submitted that the tin shed put up by the fourth respondent is 100 years old and his possession has to be protected.

4. The petitioner has enclosed photographs along with the writ petition. On perusal of the same, we find that the tin shed put up by the fourth respondent is a recent one. Further, on perusal of the A register, it is seen that the land in question is classified as Odai. In view of the classification of the land in question as Odai, the fourth respondent has no right to trespass into the same. That apart, the subsequent encroachment made by the fourth respondent, after the removal of encroachment, pursuant to the order passed by this



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Court in the earlier writ petition, would attract penal action against him.

5. In view of the above, the writ petition is disposed of directing the respondents to evict the fourth respondent immediately without any further notice. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B., J.)
23.09.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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Dharmapuri District.



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D.KRISHNAKUMAR, ACJ,
AND
P.B.BALAJI,J.

(kpl)

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