



W.P.No.29441 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.29441 of 2022

M/s. Salem Then Azhakupuram Mootha

Kudimakkal Nala Sangam

(Registration No.30/2018)

Rep. by its Secretary C.Arumugam

No.166/211, Vinayagar Kovil Street

South Azhagapuram

Salem 636 004.

.. Petitioner

Vs.

1. State of Tamil Nadu

Rep. by its Principal Secretary

Adi Dravidar and Tribal Welfare Department

Fort St. George, Chennai 600 009.

2. The Chairman

Tamil Nadu Adi Dravidar Housing and

Development Corporation Limited (TAHDCO)

No.31, Cenotaph Road, 2nd Lane

Teynampet, Chennai 600 018.

3. The District Collector

Salem District, Salem 636 001.



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4. The Special Tahsildar
Adi Dravidar Welfare Office
Salem District, Salem.
 5. The Revenue Divisional Officer
Salem Revenue Division, Salem.
 6. The Tahsildar
Salem West Taluk Office
Jagir Ammapalayam
Salem 636 005.
 7. The Executive Engineer
Tamil Nadu Adi Dravidar Housing and
Development Corporation Limited (TAHDCO)
Erumapalayam Road, Seelanaickenpatti
Salem 636 201.
 8. The Commissioner
Salem City Municipal Corporation
Salem 636 005.
 9. The Joint Registrar of Cooperative Society
Salem Division, Salem 636 201.
 10. The Commissioner of Police
Salem City Police
Salem.
- .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents (i) to remove the encroachments and unauthorised constructions in the common usage area of the land belongs to TAHDCO in S.No.92/1, 93/75 in Azhagapuram Village, Salem West Taluk, Salem; and (ii) to remove the



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unauthorised constructions by the 8th respondent in the park area of the land belongs to TAHDCO in S.No.92/1, 93/75 in Azhagapuram Village and consequently, direct the 3rd to 8th respondents constructing the same and also proposed new ration shop in the common usage area of the TAHDCO land in S.No.82/1, 93/75 in Azhagapuram Village, within a time frame as may be fixed by this Court by considering the petitioner representation dated 01.10.2022.

For the Petitioner : Mr.R.Chakkaravarthy

For the Respondents : Mr.K.Karthik Jegannath
Government Advocate
for Respondents 1 - 7, 9 & 10

Ms.N.Devi
for Respondent-8

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.R.Chakkaravarthy, learned counsel for the petitioner, Mr.K.Karthik Jegannath, learned Government Advocate for the respondents 1 to 7, 9 and 10 and Ms.N.Devi, learned counsel for the eighth respondent.

2. On the last date, 01.04.2024, when the matter was called out,



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we had observed that neither the person allegedly making unauthorised construction is added as a party nor the details as to the encroachment are given. It is submitted that the petitioner, today, has filed an application in W.M.P.No.SR 48481 of 2024 for impleading of parties.

3. Be that as it may, the property, as per the letter relied by the petitioner, is of the TAHDCO, Salem. TAHDCO, Salem has filed an affidavit denying the allegations made by the petitioner. The affidavit further states that the land is taken over by the Corporation as per the Rules and now the said land is controlled by the Corporation of Azhagapuram Village, Salem Corporation. It is for the petitioner to approach the Salem Corporation.

4. The Salem Corporation is the eighth respondent. The petitioner may file an application with the Salem Corporation which application shall be considered on its own merits and in accordance with law and policy.



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5. The writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.28777 of 2022 is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

10.04.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Principal Secretary
Adi Dravidar and Tribal Welfare Department
Fort St. George, Chennai 600 009.
2. The Chairman
Tamil Nadu Adi Dravidar Housing and
Development Corporation Limited (TAHDCO)
No.31, Cenotaph Road, 2nd Lane
Teynampet, Chennai 600 018.
3. The District Collector
Salem District, Salem 636 001.
4. The Special Tahsildar
Adi Dravidar Welfare Office
Salem District, Salem.



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5. The Revenue Divisional Officer
Salem Revenue Division, Salem.
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