



WEB COPY



W.P.Nos.32433, 32435 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.P.Nos.32433, 32435 of 2024 and
WMP Nos.35223, 35225 of 2024

K.Kuppusamy

...Petitioner in
W.P.No.32433/2024

N.Kandasamy

... Petitioner in
W.P.No.32435/2024

Vs.

1. The District Collector,
Office of the Collectorate,
Salem District.
2. The Revenue Divisional Officer,
Officer of the RDO, Attur Taluk,
Salem District.
3. The Tahsildar, Officer of the Tahsildar,
Thalaivasal Taluk,
Salem District.

... Respondents

PRAYER in W.P.Nos.32433 and 32435 of 2024: Writ Petitions filed under Article 226 of Constitution of India to issue a writ of mandamus, directing the first respondent to dispose of the petitioner's appeal



W.P.Nos.32433, 32435 of 2024

representation dated 8.10.2024, within such time, as may be stipulated by this court.

In both writ petitions

For Petitioners : Mr.A.Rajakumar

For Respondents : Mr.M.Habeeb Rahman,
Govt. Advocate for respondents 1 to 3

COMMON ORDER

(Order of the Court was delivered by **D.KRISHNA KUMAR, J.**)

Both the writ petitions have been filed to direct the first respondent to dispose of the petitioners' appeal representation dated 08.10.2024, within a time frame, as fixed this court.

2. The petitioners in both the writ petitions are the residents of Siruvachur Village, Thalaivasal Taluk, Salem District. The petitioner in W.P.No.32433 of 2024 is having lands in S.No.320/2A and the petitioner in W.P.No.32435 of 2024 is having lands in S.No.319/2A of the said village and both are doing agricultural works. According to the petitioners, the land in question are originally allotted to Sivasangarapuram Nila Kudiyetru Cooperative Society in which their



W.P.Nos.32433, 32435 of 2024

father were members and after demise of their father, the petitioners had inherited the property. As per G.O.Ms.No.183, dated 19.09.2005, the Society was dissolved, however, in the said order, it was specifically directed the revenue officials to take steps to grant patta in favour of the members or else in favour of their legal heirs of the members, who were in possession and enjoyment of the property. In such circumstances, the authorities concerned, without conducting any enquiry and opportunity of hearing, had issued notice invoking the provisions under Encroachment Act against the petitioners alone. As against the said notice, the petitioners have filed an appeal dated 08.10.2024 before the first respondent and the same is still pending. Hence, this writ petitions have been filed.

3. Learned Government Advocate takes notice for the respondents 1 to 3 and on instructions he submitted that, this court vide order dated 01.12.2023 made in W.P.No.33868 of 2024, dated 01.12.2023, directed the respondents to remove the encroachment in Survey No.319/3A1, 319/2A1 and 320/2A3, Siruvachur South Village, Thalaivasal Taluk, Salem District, if any, within eight weeks. Subsequently, Cont.Petn.



W.P.Nos.32433, 32435 of 2024

No.1925/2024 also filed against the respondents to take action against them for disobeying the said order.

3.1. He also submitted that subsequent to the filing of the contempt petition, measurement work was done by the survey team and they found that the land in S.No.320/2A3 was encroached by K.Kuppusamy, s/o Kandasamy Gounder and the land in S.No.319/2A1 was encroached by N.Kandasamy, s/o Nellana Gounder. Accordingly, notice under Section 7 of Land Encroachment was issued to the encroachers on 27.09.2024 and following the same, notice under Section 6 of the Act was also issued to them on 16.10.2024. Thereafter, as per the direction of this Court, the said encroachment was removed on 28.10.2024 in the presence of Tahsildar, Zonal Deputy Tahsildar and Revenue Inspector of Thalaivasal Taluk and Village Administrative officer of Siruvachur South Village and during the removal of said encroachment, the Inspector of Police, Thalaivasal was also present.

4. In the light of the submissions made by the learned Government Advocate, it is clear that the encroachments made by the petitioners in



W.P.Nos.32433, 32435 of 2024

the subject matter of the land was already removed. However, if the appeals filed by the petitioners are pending before the first respondent, it is for the first respondent to consider the same and to pass appropriate orders on its own merits and in accordance with law.

5. With the above observations, the writ petitions are disposed of.

There shall be no order as to costs. Connected WMP No.35223 and 35225 of 2024 were closed.

(D.K.K, J.) (P.B.B., J.)
30.10.2024

Internet: Yes/no
Index : Yes/No
mst

To

1. The District Collector,
Office of the Collectorate,
Salem District.
2. The Revenue Divisional Officer,
Officer of the RDO, Attur Taluk,
Salem District.
3. The Tahsildar, Officer of the Tahsildar,
Thalaivasal Taluk,
Salem District.



WEB COPY



W.P.Nos.32433, 32435 of 2024

D.KRISHNAKUMAR, J.
and
P.B.BALAJI, J.

mst

W.P.Nos.32433, 32435 of 2024

30.10.2024