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W.P.No.238 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

W.P.No.238 of 2019

P.A. Shahabudeen

... Petitioner

Vs.

1. The District Collector,
Erode District, Erode-11.
2. The District Revenue Officer,
Erode District, Erode-11
3. The Revenue Divisional Officer,
Gobichettipalayam, Erode.
4. The Tahsildar,
Bhavani Taluk, Erode District.
5. Rajeswari
6. Vijaya
7. Meenakshi
8. Papathi, W/o. Paulraj
9. Papathi, W/o. Gurunathan
10. Revathi
11. Vijaya
12. Selvi
13. Madeswaran
14. Rasammal
15. Mythili
16. Thangavel

... Respondents



W.P.No.238 of 2019

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus any other appropriate writ, directing the 4th respondent to implement the order of the 1st respondent in Muu.Mu.30319/2017/F-2 dated 17.07.2018.

For Petitioner	:	Mr.V. Subramaniam for SP.Yuaraj
For R1 to R4	:	Mr.A.Selvendran Special Govt. Pleader.
For R5 to R8, 10 to 16	:	Mr.K.Sathish Kumar
R9	:	No appearance

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ of Mandamus has been instituted to direct the 4th respondent to implement the order of the 1st respondent dated 17.07.2018.

2. The grievance of the Writ Petitioner is that the foot path proceeding towards the banks of Bavani River has been encroached upon by few encroachers and a larger extent of land in that locality has also been encroached upon. All such encroachers have to be removed and the foot path is to be made available for the usage of the people of that locality.

3. The learned Special Government Pleader, has produced a sketch, detailing Bhavani River, which is scanned below for reference.



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District : Erode

Taluk : Bhavani

Village : Peranchiayur

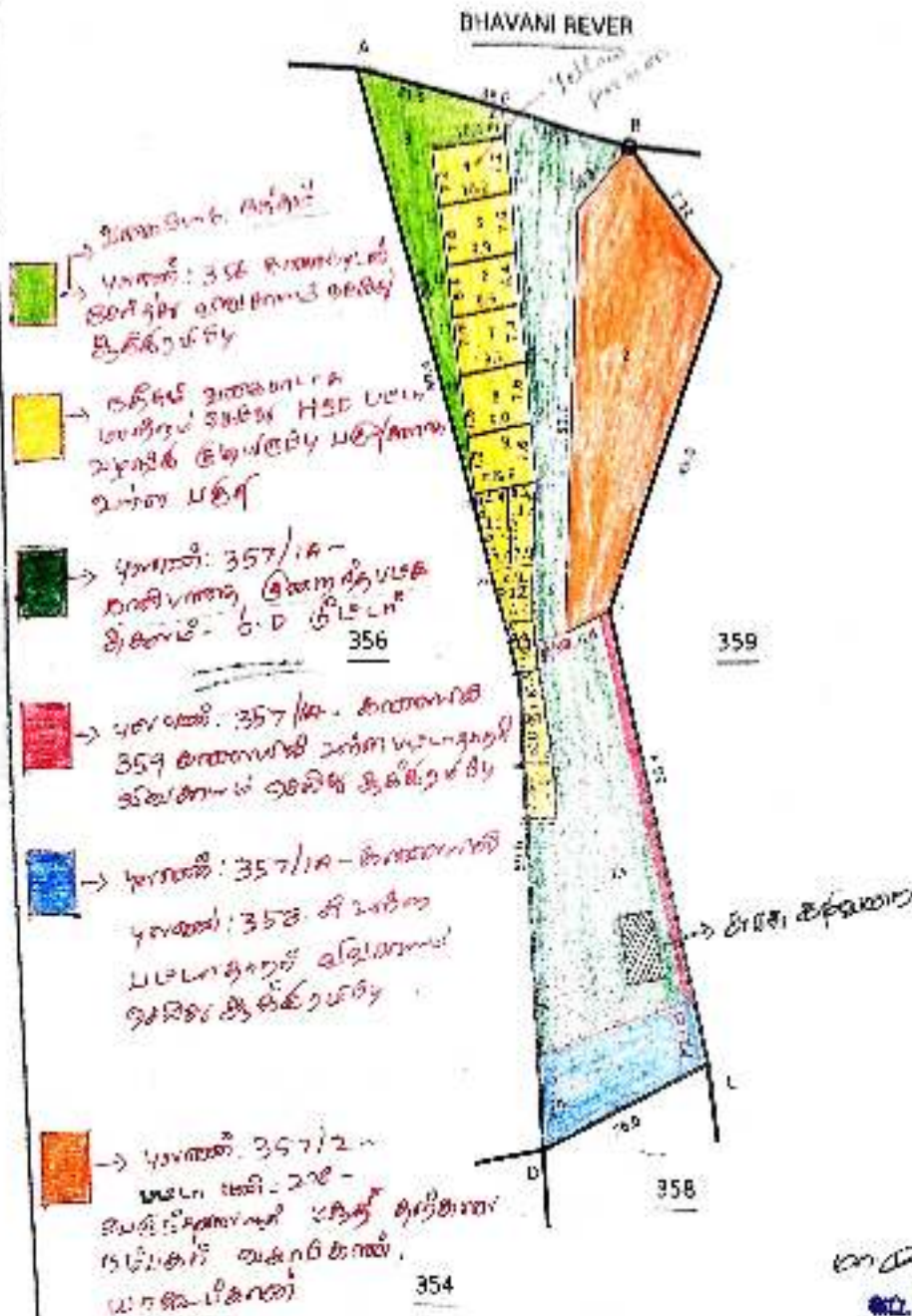
[22]



Survey No : 357

Area : Hect 00 Ares 42 25

Scale : 1 : 558



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The above sketch would reveal that the foot path proceeding towards Bavani River is being maintained and the yellow portion of the lands are classified as "Natham Lands" allotted to the homeless poor people for construction of houses. Smaller extent of lands were allotted to these poor homeless people as per the following details furnished in the status report.

19. I respectfully submit that as ordered by the Government in the above G.Os, the District Collector, Erode, the persons those who are eligible for House site patta have been recorded in the on-line portal created exclusively for the regularization of the encroachments by way of issuing the House Site Patta. Accordingly, the 11 residentail encroachers in the subject land have been recorded / registered in the on-line portal for regularization and issuance of the House Site patta. Subsequently, the House Site Pattas were issued through the on-line portal in the order 8A No. 2021 / 10 /33 / 0000095D /14 dated 16.02.2021 to the following encroachers/beneficiaries on the following sub divisions of the land No.357/1.

S.No.	Land No.	Name of the beneficiaries	Extent (in Hec.)	Patta No.
1.	357/4	Revathi, W/o.Murugesan	0.0.74	820



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S.No.	Land No.	Name of the beneficiaries	Extent (in Hec.)	Patta No.
2.	357/6	Pappathi, W/o. Paulraj	0.0.62	821
3.	357/7	Rajeswari, W/o.Kaliyappan	0.0.71	822
4.	358/8	Rathinam, W/o.Madheswaran	0.0.69	823
5.	357/9	Selvi,W/o.Chinnayan	0.0.65	824
6.	357/10	Meenatchi, W/o. Suresh	0.0.39	814
7.	357/11	Vijaya, W/o.Chandran	0.0.36	815
8.	357/12	Vijaya, W/o. Selvam	0.0.35	816
9.	357/13	Muthammal, W/o. Thangavel	0.0.22	817
10.	357/14	Rajammal, W/o. Madheswaran	0.0.41	818
11.	357/15	Mythili, W/o. Anandakumar	0.0.30	819

4. The status report further reveals that according to G.O.(Ms) No.480 Revenue & Disaster Management Department, Land Disposal Wing [L.D.1(2)] Department dated 11.09.2020, the encroachments have been regularised and necessary priceless House Site pattas have been issued through on-line portal to the contesting respondents in the present Writ Petition. The remaining portion classified as "Natham" is also be to be utilised for public purpose or for allotment of free House Site pattas to the



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eligible landless poor people. In respect of those areas, encroachments, if any, are to be removed and the said portion is also to be regularised in accordance with law. The width of the foot path available is directed to be maintained properly without any further encroachments for the benefit of the people of that locality to reach the banks of River Bavani. As far as the claim of the Writ Petitioners is concerned, we do not find any reason to issue further directions and thus, the Writ Petition stands dismissed. No costs.

[S.M.S., J] [K.R.S., J]
12.02.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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To

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