



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.28096 of 2025

S. Singaram

Petitioner

vs.

1. The District Collector
Salem District
Salem
2. The Tahsildar
Gangavalli Taluk
Salem District
3. The Assistant Engineer
Water Bodies Department
Thammampatti
Gangavalli Taluk
Salem District
4. The Divisional Forest Officer
Attur Forest Division
Attur

Respondents

(R4 impleaded *suo motu vide* instant order)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to consider the petitioner's representation dated 08.07.2025 to grant time to vacate the



petitioner's house property situated at No.15-B Kadambur Road, Meenavar Street, Gangavalli Post and Taluk, Salem District.

For petitioner	Mr. L. Rajendran
For RR 1 to 3	Mr. T.K. Saravanan Addl. Govt. Pleader
For R4	Mr. S. Rajesh Govt. Advocate

ORDER
(made by M. SUNDAR, J.)

Captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] turns on a very narrow compass and therefore, captioned WP is taken up for hearing with the consent of learned counsel for writ petitioner and learned State counsel for respondents.

2. In the previous listing on 05.08.2025, this Court made the following proceedings:

'W.P.No.28096 of 2025

M.SUNDAR, J.,

and

T.VINOD KUMAR. J.,

(Order of the Court was made by M.SUNDAR, J.,)

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 04.08.2025 which reads as follows:



WEB COPY

W.P.No.28096



'W.P.No.28096 of 2025

M.SUNDAR, J.

and

T.VINOD KUMAR, J.

(Order of the Court was made by M.SUNDAR, J.)

Time for removing encroachment is the crux of the captioned writ petition.

2. Writ petitioner and his family has admittedly encroached upon public land but writ petitioner's spouse Ms.Jaya and daughter-in-law Ms.Indhumathi W/o.Mr.Sivakumar have been granted alternate sites and the assignment has been made on 07.07.2025. To be noted, this is vide Welfare Scheme of the State.

3. Learned State counsel submits that there were 39 encroachers in all, 32 encroachers were issued assignments, 3 have been removed and as regards remaining 12, they have given undertaking that they will vacate by 06.08.2025.

4. In the aforesaid backdrop, as no time frame has been mentioned either in the representation dated 08.07.2025 on which captioned WP is predicated or in the writ affidavit (not even in the prayer) learned counsel sought for a short accommodation to file an affidavit of undertaking from the writ petitioner as well as writ petitioner's spouse Ms.Jaya and daughter-in-law Ms.Indhumathi seeking two months time.

5. List on 05.08.2025 under the cause list caption 'ADJOURNED ADMISSION' in the Admission Board i.e., Motion List.'

2. Today, though the writ petitioner was ready to file an affidavit that he will vacate within six months, it came to light that the Forest Department is not permitting any construction in the alternate site that has been assigned to the writ petitioner. A scanned reproduction of the short note that has been placed before us by learned State Counsel is as follows:



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Short Note on W.P. No.28096/2025

The above land mentioned in the affidavit W.P. No.28096/2025 by the petitioner is located in Naduvalur village of Gangavalli Taluk, Salem District. The land is under the control of the Revenue Department but Forest Department has raised planting in the year 1976 on this land. Presently, the plantation is under the control of the Attur Social Forestry Range of Attur Forest Division. The name of the plantation is Manjiri Neel Karadu plantation which is for an extent of 55.8 ha in which as on date 15000 seedlings are surviving. Ideally, the concerned department should have taken a NOC from the Forest Department before handing over the land. The concerned department has not yet officially communicated the exact extent of the land to be handed over. Once they intimate the same, the Forest Department will enumerate the exact number of trees that are falling in the area to be handed over. Subsequently, the concurrence of the PCCF will be sought and ward and the fair price of the wood will be given by the concerned department. This will be communicated to the concerned department and once they pay the amount, the Forest Department will not raise any objection. The Forest Department is only insisting on following the above procedure.

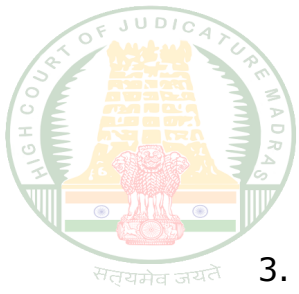

5/8/25
Divisional Forest Officer
Attur Forest Division
ATTUR

3. Recording an undertaking may not serve the purpose as the writ petitioner is seeking time only to put up construction in the alternate site which has been objected to by the Forest Department.

4. Faced with the above situation, learned counsel for writ petitioner sought time to do the needful. Request acceded to.

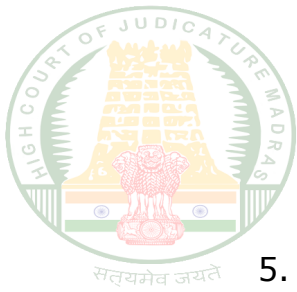
List one week hence. List on 12.08.2025.

[M.S.J.,] [T.V.K.J.,]
05.08.2025'



3. The aforesaid proceedings speaks for itself and therefore, we refrain from dilating on the same. However, we make it clear that the aforesaid proceedings dated 05.08.2025 shall now be read as an integral part and parcel of instant order.

4. Today, Mr. T.K. Saravanan, learned Additional Government Pleader appearing for respondents 1 to 3, advertng to the earlier proceedings, more particularly 'Short Note on W.P. No.28096 of 2025' signed by Divisional Forest Officer, Attur Forest Division, Attur, on 05.08.2025, which has been scanned and reproduced in the earlier proceedings *supra*, submits that there has been a re-think and the Forest Department has now decided to clear alternative land allotted to the writ petitioner and hand over the same to the writ petitioner within four weeks from today *i.e.*, on or before 09.09.2025. For this purpose, we *suo motu* implead Divisional Forest Officer, Attur Forest Division, Attur, as fourth respondent in the captioned WP and Mr. S. Rajesh, learned Government Advocate, accepts notice for the newly impleaded fourth respondent. The stated position of learned State counsel is recorded as an undertaking given to this Court by fourth respondent.

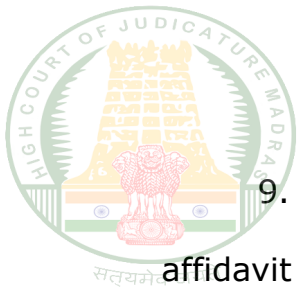


5. This now takes us to the plea of writ petitioner *i.e.*, plea for grant of time to move to the alternative site provided to writ petitioner.

6. Learned counsel for writ petitioner submits that the writ petitioner requires some time to build a modest superstructure on the alternative site allotted to the writ petitioner.

7. As the State, as part of its welfare policy, has decided to give alternative site to the writ petitioner, we are of the view that it is only appropriate that the writ petitioner's prayer for time to build a modest house on the alternative site so that he can move to the alternative site, should be acceded to. The reason is, if this request is not acceded to, the alternative site accommodation will remain only on paper and the benefit of this measure taken by welfare State will be of no avail.

8. Therefore, this Court deems it appropriate to write that writ petitioner will have six months time from the date of handing over of the alternative site (free and vacant / free from trees, *etc.*) so as to enable the writ petitioner to construct a dwelling house there.



9. In this regard, we deem it appropriate to scan and reproduce the affidavit of undertaking filed by writ petitioner and the same reads as follows:

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P.No. 28096 of 2025

Mr.S.Singaram,
S/o.Solaimuthu,
No.15-B, Kadambur Road,
Meenavar Street,
Gangavalli Post and Taluk,
Salem District.

....Petitioner

.....Vs.....

1. The District Collector,
Salem District,
Salem.
2. The Tahsildar
Gangavalli Taluk,
Salem District.
3. The Assistant Engineer,
Water Bodies Department,
Thammampatti,
Gangavalli Taluk,
Salem District.

...Respondents

ADDITIONAL AFFIDAVIT FILED BY Mr.S.SINGARAM

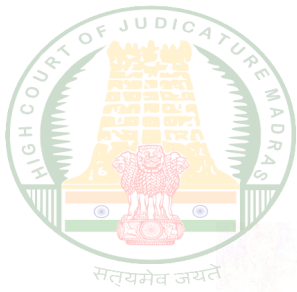
I, S.Singaram, son of Solaimuthu, Hindu, aged about 62 years, residing at No.15-B, Kadambur Road, Meenavar Street, Gangavalli Post and Taluk, Salem District, now come down at Chennai, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Petitioner herein and as such I am well acquainted with the facts of the case.

1st Page :

Corrns :

S. Singaram



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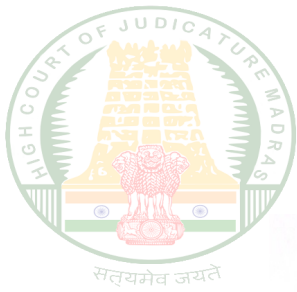
2. I submit that I have filed the above writ petition with a prayer praying for a Writ of Mandamus directing the second respondent to consider my representation dated 08.07.2025 to grant time to vacate the premises in respect of house property bearing No.15-B, Kadambur Road, Meenavar Street, Gangavalli Post and Taluk, Salem District.

3. I submit that on 26.11.2024 the third respondent issued an eviction notice to me and others to vacate the house property within 21 days from the date of receipt of the notice. I further submit that thereafter we had approached the respondents and requested them to give an alternative house land to us, thereafter the second respondent issued assignment Pattain favour of my wife Mrs.Jaya, vide Proceeding in Na.Ka. 748/2025/A2 dated 07.07.2025 to an extent of 2 Cents situated at Naduvalur Village, Gangavalli Taluk, Salem District and others and same was received on 08.07.2025.

4. I submit that I had given representation on 08.07.2025 to the respondents-2 and 3 requesting them to grant time to vacate the house property, because the above said assigned land could not be identified by us without help from the respondents. I further submit that on 24.07.2025, the second respondent visited the assigned lands and started cleaning it with the help of JCP machine. However, the officers of the Social Forest Department, Attur, Salem District visited the assigned land and they prevented the second respondent from removing the trees raised on the assigned land by claiming that the above said assigned land have belonged to the Social Forest Department, Attur, Salem District.

2nd Page :

Corrns :



:: 3 ::

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5. I submit that in these circumstances, I hereby undertake to vacate my house property situated at bearing No.15-B, Kadambur Road, Meenavar Street, Gangavalli Post and Taluk, Salem District within 6 months from today (i.e.05.08.2025) and also I undertake to abide if this Hon'ble Court passes appropriate directions on the same. I reiterate that I am very poor person, and I should mobilize funds to construct a house on the above-mentioned assigned land, for which sufficient time is required.

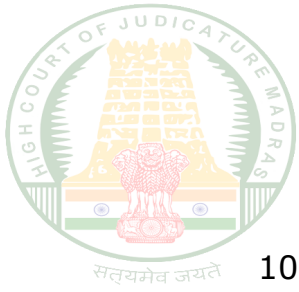
In the above circumstances it is respectfully prayed that this Hon'ble Court may be pleased to accept the additional affidavit and to grant time for 6 months from today (i.e. 05.08.2025) to vacate my house property situated at bearing No.15-B, Kadambur Road, Meenavar Street, Gangavalli Post and Taluk, Salem District and pass such further or other orders as this Hon'ble Court may deem fit in the circumstances and thus render justice.

Solemnly affirmed at Chennai this the 5th day of August, 2025 the Contents of this affidavit having been read over and explained in TAMIL to the deponent who is unacquainted with English and understood the same and signed his name in my presence.

3rdPage :
Corrns :

Before me,

EW-1620/18
No. 353, New Adal Lancha,
HC, Ch-104.
Advocate, Chennai.



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10. It is made clear that if the writ petitioner does not remove the encroachment within six months from the date of handing over of the alternative site which has been assigned to the writ petitioner, it will be open to State to resort to coercive measures without further reference to this Court.

11. To be noted, as much as stated position of fourth respondent has been recorded as an undertaking given to this Court, the affidavit of undertaking given by writ petitioner, more particularly, paragraph 5 thereat, is also recorded as an undertaking given by writ petitioner to this Court.

12. Captioned WP stands disposed of as closed recording the stated position of the parties. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
12.08.2025

cad
Index : Yes/No
NC : Yes/No



To
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1. The District Collector
Salem District
Salem
2. The Tahsildar
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W.P.No.28096



M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

W.P.No.28096 of 2025

12.08.2025