

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.11490 of 2015

M. Ali Petitioner

vs.

1 The District Collector
O/o the District Collector
Villupuram, Villupuram District

2 The Tahsildar
Ulundurpet Taluk Office
Ulundurpet
Villupuram District

3 Valli Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to remove the encroachment made by the third respondent in Government Kuttai poramboke in Survey No.416 and Survey No.416(4A), U. Keeranoor Village, Ulundurpet Taluk, Villupuram District.

For petitioner Mr. R. Amardeep
For RR 1 & 2 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

This writ petition is filed seeking a writ of mandamus directing the respondents 1 and 2 to remove the encroachment made by the third respondent in Government Kuttai poramboke in Survey No.416 and Survey No.416(4A), U.Keeranoor Village, Ulundurpet Taluk, Villupuram District.

2 The identical issue came up for consideration in M. Ali vs. The District Collector, Villupuram District and 3 others (W.P. No.3737 of 2014), wherein, this Court directed the authorities to consider the petitioner's representation 28.12.2013 and take necessary enforcement action, after affording an opportunity of hearing to all the parties concerned.

3 According to the learned counsel for the petitioner, no enforcement action was taken. Hence, a contempt petition in Contempt Petition No.2484 of 2014 was filed. Recording the submission of the learned Special Government Pleader that the encroachment has been removed, the said contempt petition was closed by order dated 09.09.2014. However, it was observed in the said order that if, on verification, it was found that the encroachment was not removed fully, it was open to the petitioner to take a fresh initiative.

4 The petitioner has come up with the instant writ petition without informing the authorities that the encroachment has not been fully removed. It is desirable that before approaching this Court invoking writ jurisdiction, the aggrieved person like the petitioner should approach the authorities, who are required to remove the encroachment. In the event, the authorities fail to discharge their duty, the petitioner may approach this Court, after affording a reasonable opportunity to the authorities concerned, to do the needful.

5 Thus, at this juncture, we are not inclined to grant mandamus, as sought by the petitioner. However, if a representation is made by the petitioner pointing out the existence of encroachment, the authorities shall take steps forthwith, to ensure that no poramboke land remains under encroachment in the land in question.

6 With the above observations, the writ petition stands disposed of. Costs made easy.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

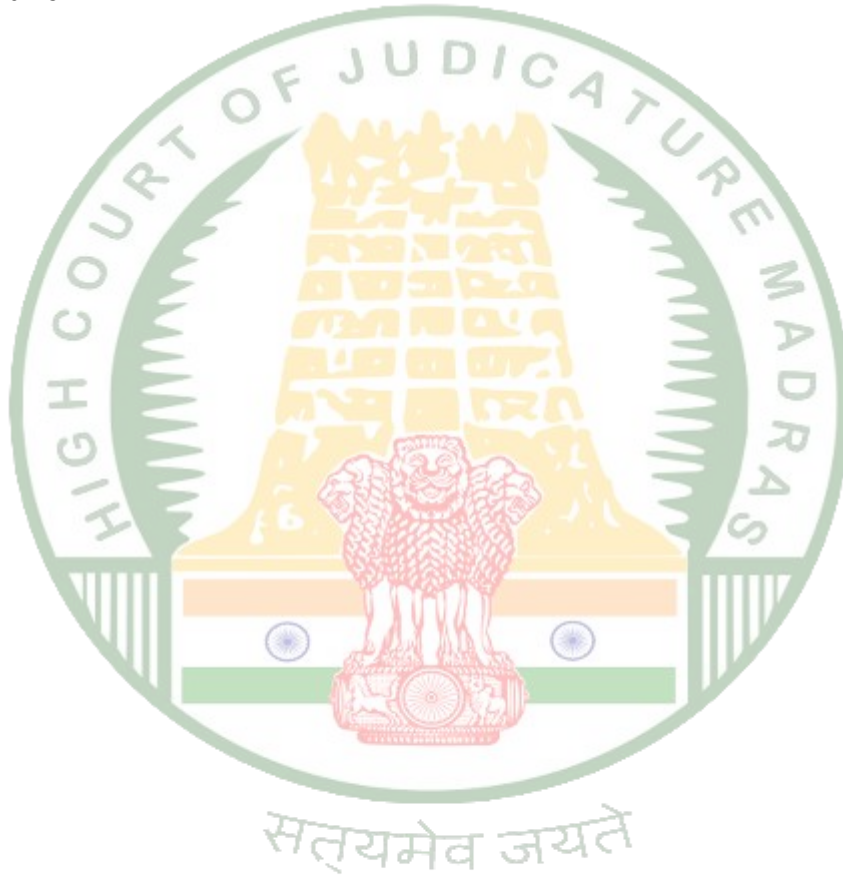
1 The District Collector
O/o the District Collector
Villupuram, Villupuram District

2 The Tahsildar
Ulundurpet Taluk Office
Ulundurpet
Villupuram District.

1 cc to Mr. R. Amardeep, Advocate, SR.No.22871
1 cc to Government Pleader, Sr.No22543

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