

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2015

CORAM

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

W.P. No.11860 of 2015

G. Manikandan

Petitioner

vs.

1 The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2 The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai.

3 The District Forest Officer,
Thiruvannamalai District,
Thiruvannamalai.

4 The Tahsildar,
Thiruvannamalai Town,
Thiruvannamalai.

5 A.Kannan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to dispose of the representation of the petitioner dated 27.1.2015 to remove the encroachment of the 5th respondent in Survey Nos.522 and 523, Ward No.3, Block No.1 Peygopura Main Road, Thiruvannamalai in accordance with law and within time frame fixed.

For petitioner : Mr. A. Vivin

For respondents : Mr. M.S. P.S.Sivashanmugasundaram
Spl. Govt. Pleader R1, R3 & R4
Mr. S. Pattabiraman
Govt. Advocate - R2

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ORDER

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

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, takes notice for the respondents 1, 3 and 4. Mr.S.Pattabiraman, learned Government Advocate accepts notice on behalf of the second respondent. It is not necessary to issue notice to the fifth respondent, as it is a case of only consideration of the petitioner's representation and no decision can be taken on the said representation without affording an opportunity of hearing to the fifth respondent. Thus, we are passing this order at the admission stage itself, without issuing notice to the fifth respondent.

2 The only relief sought in this writ petition is a direction to the respondents 1 to 4 to consider and dispose of the petitioner's representation dated 27.01.2015, wherein, it is alleged that the fifth respondent herein, has encroached upon the land in Survey Nos. 522 and 523, Ward No.3, Block No.1, Peygopura Main Road, Thiruvannamalai, cut the trees and also put up posts for fencing the land.

3 The contention of the learned counsel for the petitioner is that despite representation dated 27.01.2015 having been addressed to the first respondent and even after efflux of a reasonable time, the first respondent has failed to perform his statutory obligation. Thus, a direction be issued accordingly to the first respondent to do the needful in accordance with law.

4 The learned Special Government Pleader appearing for the respondents 1, 3 and 4 would submit that if the said representation is pending consideration, the same will be examined and necessary steps will be taken in accordance with law and on its own merits, to remove the encroachment, if on enquiry, it is found that such an encroachment really exists.

5 Needless to state that any steps which lead to consequential adverse order or action, are to be taken after affording an opportunity of being heard to the concerned parties. In the cases on hand, since there is an allegation against the fifth respondent for having caused encroachment, the fifth respondent is required to be heard before steps to remove the encroachment, are taken.

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6 The writ petition stands disposed of in the above terms. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
 - 2 The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai.
 - 3 The District Forest Officer.\,
Thiruvannamalai District,
Thiruvannamalai.
 - 4 The Tahsildar,
Thiruvannamalai Town,
Thiruvannamalai.
- +1 cc to the Government Pleader,SR.27067
+1 cc to M/s.S.Vijayakumar, Advocate,SR.27069
+1 cc to M/s.A.Vivin, Advocate,SR.27034.

Ppa(co)
krd 17/6

सत्यमेव जयते

W.P. No. 11860 of 2015

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