

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12549 of 2015

and M.P.No.1 of 2015

P.Kulandaivel

.. Petitioner

Versus

1. The District Collector
Collectorate Salem District.
- 2 The Assistant Director of
Panchayats O/o Assistant Directorate Salem
Region Salem District
- 3 The Executive Officer
Thammampatti Selection Grade Town Panchayat
Salem District.
- 4 The President
Thammampatti Selection Grade Town Panchayat
Salem District. .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the respondents particularly the respondents 3 and 4 their men servants agents employees or any one authorized by them from in any manner preventing the petitioner from using the common pathway (cart track) in the lands comprised in Survey Nos.113 and 114 Thammampatti Village Gangavalli Taluk, Salem District.

For Petitioner : Mr.T.Sellapandian

For Respondents: Mr.S.Pattabiraman (for R1 & R2)
Government Advocate.
Mr.V.Subbiah (for R3 & R4)
Special Government Pleader.

O R D E R

By consent, the main writ petition is taken up for final disposal.

2. The petitioner submitted a representation dated 23.02.2015, wherein it has been stated among other things that he and other residents of Udayarpalayam, Thammampatti Village, Gangavalli Taluk, Salem District are having access to their agricultural crops, through Survey Nos.113 and 114 only and they don't have any other alternate way and it was encroached and in pursuance to the orders passed by this Court in W.P.No.26223 of 2013, the encroachment has to be removed and since the said order has not been complied with, he filed Contempt Petition No.2628 of 2014 and appropriate direction was also given to removal of encroachment and inspite of it, encroachment was not removed and though, based on the above said representation, the 2nd respondent has also issued appropriate direction to the 3rd respondent to initiate action, nothing took place thereafter and hence, came forward to file this writ petition.

3. Heard the submissions of Mr.T.Sellapandian, learned counsel appearing for the petitioner, Mr.S.Pattabiraman, learned Government Advocate, who accepts notice for respondents 1 and 2 and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice for respondents 3 and 4.

4. Though the petitioner has sought for a larger relief, in the facts and circumstances of this case, this Court directs the 1st respondent to consider the representation dated 23.02.2015, submitted by the petitioner, on merits and in accordance with law, by taking into consideration the order dated 12.11.2013 made in W.P.No.26223 of 2013 and order dated 06.11.2014, made in Contempt Petition No.2628 of 2014 and after putting on notice the concerned persons, pass orders, as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and inform the decision taken to the petitioner as well as to the persons concerned.

5. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

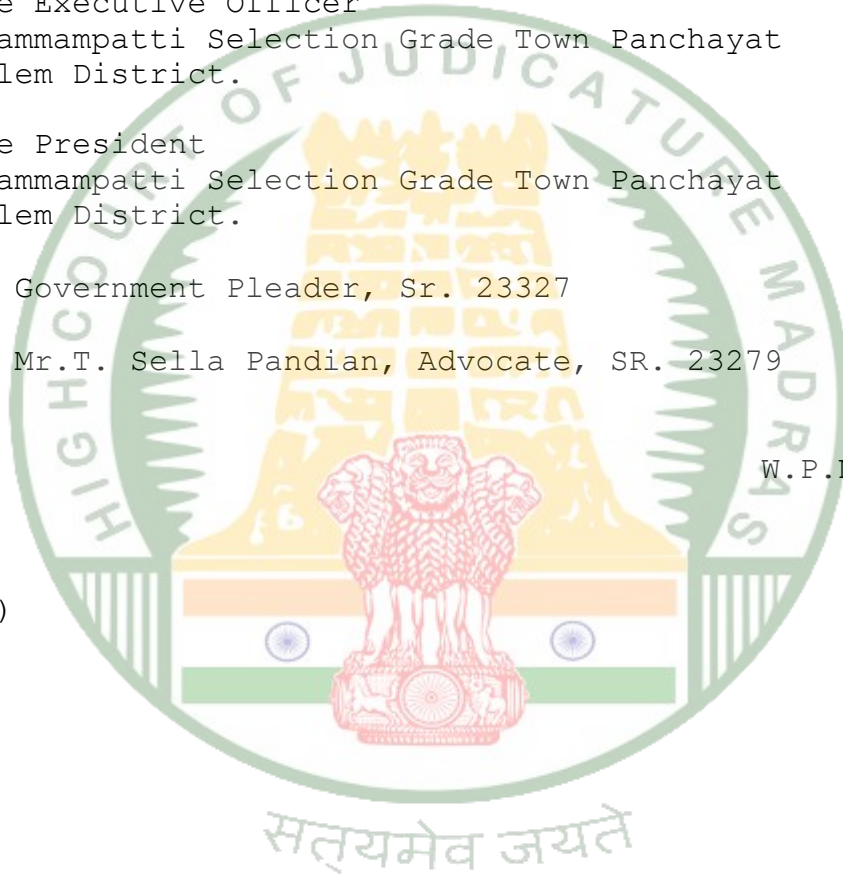
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To

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Salem District.
 - 4 The President
Thammampatti Selection Grade Town Panchayat
Salem District.
- 1 cc to Government Pleader, Sr. 23327
- 1 cc to Mr.T. Sella Pandian, Advocate, SR. 23279

W.P.No.12549 of 2015

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