

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2015

CORAM:

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

W.P.No.32269 of 2014

1 N.Palanisamy
S/o.Nachimuthu Gounder Kallankaduputhoor
Keelvani Post Andhiyur Taluk Erode
District. ... Petitioner

Vs

1 The District Collector
Erode District Erode.

2 The Revenue District Officer
Andhiyur Erode District.

3 The Tahsildar
Keelvani Village Andhiyur via Andhiyur
Taluk Erode District.

4 K.S.Subramanian
S/o.Chennimalai Gounder Kallankaduputhoor
Keelvani Post Andhiyur Taluk Erode
District.

5 K.S.Somanathan
S/o.Chennimalai Gounder Kallankaduputhoor
Keelvani Post Andhiyur Taluk Erode
District. ... Respondents

Writ Petition under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 to consider the petitioners representation dated 24.09.2014 by removing the encroachment made by the respondents 4 & 5 in the Government land measuring 9.5 cents and common well in Re-Survey No.42/1 Kallankattupudur, Keelvani Village Andhiyur Taluk Erode District.

For petitioners
For respondents

Mr. P. Valliappan
Mr. P.S. Shivashanmugha Sundaram, Spl.G.P.
for RR1 to 3
RR 4&5 - No appearance

ORDER

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

With the consent of the parties, the writ petition itself is taken up for final disposal.

2 The petitioner seeks a direction to the respondents to consider his representation dated 24-09-2014 pending before the third respondent for removal of the alleged encroachment made by the fourth and fifth respondents.

3 The case of the learned counsel for the petitioner before us is that the petitioner has preferred a writ petition earlier, being W.P.No.3348 of 2014, wherein, a Division Bench of this Court, while considering the said petition, dismissed the writ petition, however, liberty was reserved to the petitioner to make a fresh representation, if some documents are produced showing the said land belongs to the Government. The petitioner has made representation as aforestated, alongwith the Adangal Extract, wherein prima facie, it appears that the land in question is a Government land.

4. Without expressing any opinion on the merits of the case and also keeping in view, the liberty given by this Court in W.P.No.3348 of 2014, we direct the third respondent to consider the petitioner's representation dated 24.09.2014 in the light of the documents stated supra in accordance with law and on its own merits and pass appropriate orders as well as take appropriate steps in accordance with law within a period of eight weeks, after issuing notice to all concerned, including the fourth and fifth respondents.

5. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

glp

To

- 1 The District Collector
Erode District Erode.
- 2 The Revenue District Officer
Andhiyur Erode District.

3 The Tahsildar
Keelvani Village Andhiyur via Andhiyur
Taluk Erode District.

1 cc to Government Pleader, Sr.No370
1 cc to Mr. P. Valliappan, Advocate, SR.No.228

W.P.No.32269 of 2014

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