

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.32295 of 2014

and M.P.No.1 of 2014

R.Somasundaram
S/o.Late Ramasamy Door No.2/843 E.
Bhuvaneswari Nagar 2nd Street Andipalayam
Tiruppur-641 687 Tiruppur District. Petitioner

Vs

- 1 The District Collector
Tiruppur Tiruppur District.
- 2 The Revenue Divisional Officer
Revenue Divisional Office Tiruppur
Tiruppur District.
- 3 The Thasildar
Palladam Tiruppur Tiruppur District.
- 4 The Village Administrative
Officer Karaipudur Village Palladam
Tiruppur District.
- 5 A.Nataraj
S/o.Ammasai Gounder President of Karaipudur
Panchayat Union Palladam Taluk Tiruppur
District. Respondents

Writ Petition under Article 226 of the Constitution of India praying for a writ of mandamus directing the 3rd respondent authorities to remove the illegal encroachment made by the 5th respondent and the illegal encroachers in respect of the Odai Ettuarei Promboke land comprised in S.No. 45/1 situated at Karaipudur Village Palladam Taluk Tiruppur and Tiruppur District by considering representation dated 12.10.2014.

For petitioners Mr. K. Myilsamy
For respondents Mr. P.S. Shivashanmugha Sundaram,
 Spl.G.P.
 for RR1 to 4

ORDER

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

The instant writ petition is filed by the petitioner, who is stated to be the owner of the land in survey No.46/2 situated at Karaipudur Village, Palladam Taluk, Palladam, Tiruppur, Tiruppur District, which is adjacent to the land comprised in S.No.45/1.

2 The case of the petitioner before us is that the fifth respondent has encroached the Odai Ettuarei Poramboke land comprised in S.No.45/1 in the aforesaid village. It is further submitted that the petitioner has made a representation on 12-10-2014 to the respondent Nos.1 to 4. Despite the said representation, no steps have been taken by the authorities for removal of the encroachment.

3 This Court issued a notice to the respondents on 10-12-2014. The respondent Nos.1 to 4 are represented through Mr. P.S. Shivashanmugha Sundaram, learned Special Government Pleader. Despite service of notice, none appears for the fifth respondent nor is any representation made on his behalf.

4. We have considered all aspects of the matter. The disputed facts are involved in the case and as such, we deem it fit and proper to direct the official respondents to consider the petitioner's representation dated 12.10.2014 after affording opportunity of hearing to the fifth respondent and other concerned parties in accordance with law and on its own merit. It is further directed to take necessary steps for removal of the encroachment, if on enquiry, it is found that the said land in question has been encroached by any party, including the fifth respondent. The needful shall be done within a period of eight weeks from the date of receipt of a copy of this order. It is expected that during the enquiry, no steps be taken to issue any patta in respect of the above stated land.

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

Sd/-
Assistant Registrar
Dated:21.1.15

True Copy

Sub Assistant Registrar

To

- 1 The District Collector
Tiruppur Tiruppur District.
- 2 The Revenue Divisional Officer
Revenue Divisional Office Tiruppur
Tiruppur District.
- 3 The Thasildar
Palladam Tiruppur Tiruppur District.
- 4 The Village Administrative
Officer Karaipudur Village Palladam
Tiruppur District.

+1 cc to Mr.K.Myilsamy, Advocate,SR.122

+1 cc to Government Pleader,SR.369.

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krd 28/1

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