

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2015

CORAM:

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

W.P. No.17184 of 2015

Palayaseevaram Village Panchayat
represented by its President
Manimegalai Perumal
Palayaseevaram Village
Kancheepuram Taluk and District

Petitioner

Vs.

1 The District Collector
Kancheepuram District
Kancheepuram

2 The Revenue Divisional Officer
Kancheepuram District
Kancheepuram

3 The Tahsildar
Kancheepuram Taluk
Kancheepuram District

4 L. Kokila

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in and over the land in Survey No.378/8 measuring to an extent of 17 cents situated at Sankarapuram Village of Palayaseevaram Panchayat, Kancheepuram Taluk and District by considering the petitioner's representation dated 03.02.2015 within a stipulated time.

For petitioner Mr. R. Dhanasekar

For RR 1 -3 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 to 3. It is not necessary to issue notice to the fourth 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 fourth respondent. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader and considering the limited relief sought by the petitioner, i.e., a direction to the authorities to consider his representation dated 03.02.2015, the writ petition is taken up for final disposal, at the admission stage itself.

2 On a perusal of the documents submitted before us, it appears that the petitioner has made a representation to the respondents 1 to 3 alleging that despite clear order dated 15.12.2009 passed by this Court in W.P. No.23966 of 2009 directing the respondents therein to take action against the fourth respondent herein in accordance with law, for removal of the alleged encroachment, no steps have been taken till date. A representation was made by the petitioner in this regard on 31.12.2013. Thereafter, on 03.02.2015, the petitioner has made another representation to the authorities.

3 The learned Special Government Pleader appearing for respondents 1 to 3 submits that necessary action, on proper inspection, shall be taken and appropriate orders would be passed on merits and in accordance with law, adverting to each and every averment made in the representation, within a period of four weeks from the date of receipt of a copy of this order.

4 It is accordingly ordered. Needless to state that any action taken has to be subject to a proper opportunity of hearing to the alleged encroachers, including the fourth respondent.

5 The writ petition stands disposed of with the above observation. Costs made easy.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

cad

To

1 The District Collector
Kancheepuram District
Kancheepuram

2 The Revenue Divisional Officer
Kancheepuram District
Kancheepuram

3 The Tahsildar
Kancheepuram Taluk
Kancheepuram District

1 cc to Mr.R. Dhanasekar, Advocate, Sr. 29693

1 cc to Government Pleader, Sr. 29773

W.P. No.17184 of 2015

TEJ (CO)
kk 25/6



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