

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2015

CORAM:

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

W.P. No.18540 of 2015 and M.P. No.1 of 2015

Lakshmana Gounder

Petitioner

Vs.

1 The Secretary to Government
Rural Development and Panchayat Raj Department
District Collector Office
Krishnagiri 635 115

2 The Director
Directorate of Rural Development and
Panchayat Raj Department
Panagal Maaligai
Saidapet
Chennai 600 015

3 The District Collector
Krishnagiri

4 The Commissioner
Panchayat Union Office
Soolagiri 635 117

5 Pappiah

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to initiate action as against the illegal construction being carried on by the fifth respondent by encroaching over the portion of Survey No.327/12 and 327/17, Oshahalli, Enusonai, Hosur, Krishnagiri District.

For petitioner Mrs. R. Poornima

For RR 1-4 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

- - - - -

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 to 4. With the consent of

the learned counsel for the petitioner and the learned Special Government Pleader, the writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 4 to initiate action as against the illegal construction being carried on by the fifth respondent by encroaching upon the portion of Survey No.327/12 and 327/17, Oshahalli, Enusonai, Hosur, Krishnagiri District.

3 Noticing encroachment being made by the fifth respondent in S.Nos.327/12 and 327/17, Oshahalli, Enusonai, Hosur, Krishnagiri District, the petitioner has addressed a representation dated 07.04.2015 to respondents 1 to 3, seeking removal of the said encroachment. Finding no response pursuant to his representation, the petitioner has come up with the instant writ petition seeking the aforestated relief.

4 Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that it would suffice if a direction is given to the respondents 1 to 3 to consider and pass orders on the petitioner's representation dated 07.04.2015 within a time frame.

5 In view of the above submission made by the learned counsel for the petitioner, without going into the merits of the case and without issuing notice to the fifth respondent, since no action can be taken on the petitioner's representation without affording an opportunity of hearing to the fifth respondent, we direct the respondents 1 to 3 to consider and pass orders on the petitioner's representation dated 07.04.2015 on merits and in accordance with law and after giving an opportunity of hearing to the parties concerned. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. Needless to state that each and every averment made in the petitioner's representation is to be adverted to and a reasoned order is required to be passed.

6 The writ petition stands disposed of with above direction and observation. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1 The Secretary to Government
Rural Development and Panchayat Raj Department
District Collector Office
Krishnagiri 635 115

2 The Director
Directorate of Rural Development and
Panchayat Raj Department
Panagal Maaligai
Saidapet
Chennai 600 015

3 The District Collector
Krishnagiri

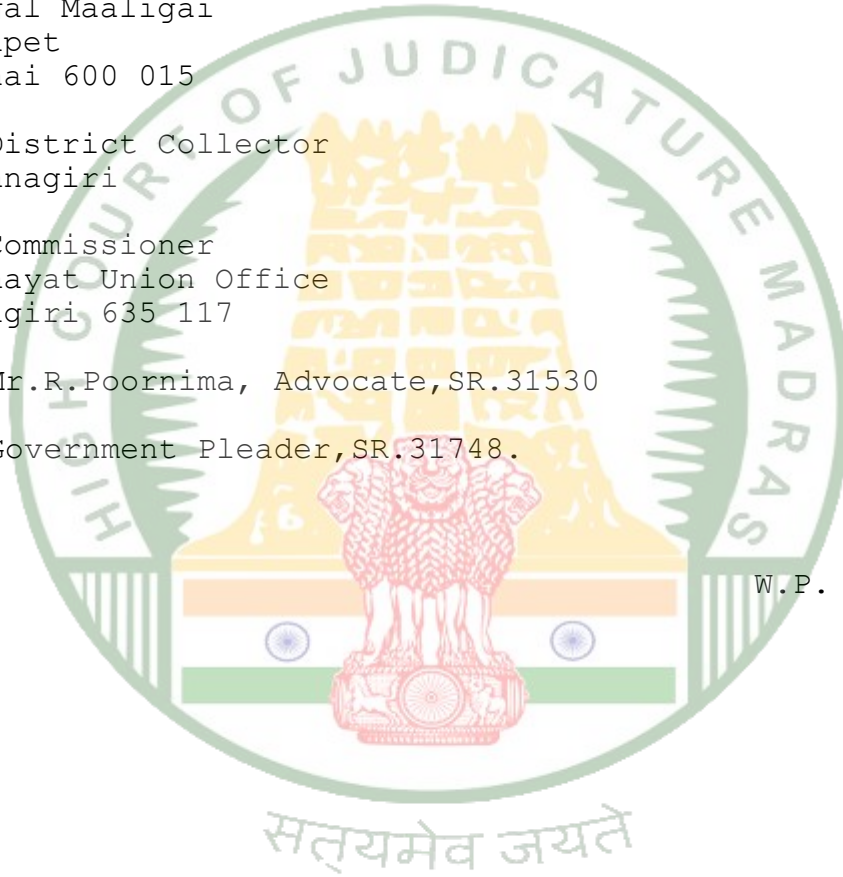
4 The Commissioner
Panchayat Union Office
Soolagiri 635 117

+1 cc to Mr.R.Poornima, Advocate, SR.31530

+1 cc to Government Pleader, SR.31748.

Rj (co)
krd 6/7

W.P. No.18540 of 2015



WEB COPY