

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2015

CORAM:

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

W.P. No. 18820 of 2015
and
M.P.No.1 of 2015

1. S. Nagoor Kani

2. S. Thasthageer

...Petitioners

vs.

1 The District Collector
Ariyalur District Ariyalur.

2 The Revenue Divisional Officer
Udayarpalayam Ariyalur District.

3 The Tahsildar
Senthurai Taluk Ariyalur District.

4 The Government of Tamilnadu
Rep. by Secretary to Government Home
Department Fort St. George Chennai-600 009.

5 Ameena Beevi

6 Jameela Beevi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 4 to dispose of the representations made by the petitioners on 22.8.2014 21.1.2015 and 16.2.2015 and order for the removal of encroachment caused by the 5th and 6th respondents over Survey Nos.221, 223

Public Road and Survey Nos.222 and 224 Public Tank at Kulumur Village, Senthurai Taluk, Ariyalur District.

For petitioners : Mr.R. Balasubramanian

For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

ORDER

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

With the consent of the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents 1 to 4, this writ petition is taken up for final disposal at the admission stage itself.

2. By this petition, the petitioners seek a direction to the respondents 1 to 4 for consideration and disposal of their representations dated 22.08.2014, 21.01.2015 and 16.02.2015 in respect of encroachment made over S.Nos.21, 223 Public Road and Survey Nos.222 and 224, Public Tank at Kulumur Village, Senthurai Taluk, Ariyalur District.

3. Notice is being dispensed with for the respondents 5 and 6 as no action can be taken against them without affording proper opportunity of hearing by the authorities.

4. According to the learned counsel for the petitioners, several representations, as aforestated, were made to the concerned authorities. However, no action has been taken till date, which enables the encroachers to continue their illegal possession so as to claim right over the property after some time.

5. We have perused the aforestated representations annexed with the instant petition. The allegation made by the petitioners is that the respondents 5 and 6 have caused encroachment on the poromboke land as well as water tank. We are not in a position to express any opinion on the merits of the case on the basis of the averments made in the representations.

6. Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader appearing for the respondents 1 to 4 submits that a direction may be issued to the respondents 1 to 3 to examine the aforestated representations carefully and after proper inspection, steps will be taken for removal of the encroachment in accordance with law and on merits.

7. In such view of the matter, we direct the respondents 1 to 3 to examine the petitioners' representations dated 22.08.2014, 21.01.2015 and 16.02.2015, advertng to each and every averment made therein and take consequential action after affording proper opportunity of hearing to the concerned alleged encroachers. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of. Consequently, M.P. No. 1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector
Ariyalur District Ariyalur.
- 2 The Revenue Divisional Officer
Udayarpalayam Ariyalur District.
- 3 The Tahsildar
Senthurai Taluk Ariyalur District.
- 4 The Government of Tamilnadu
Rep. by Secretary to Government Home
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1 CC to Mr.R. Balasubramanian, Advocate SR.No. 31789

1 CC to the Government Pleader, SR.No. 31982

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CTK (CO)
PSI (06.07.2015)