

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.23860 of 2015

M. Sirajudeen

... Petitioner

Vs.

1. The District Collector
Cuddalore District
2. The Revenue Divisional Officer
Cuddalore District
3. The Tahsildar
Kattumannar Koil Taluk
Cuddalore District
4. U. Baidoor Rahman
5. R. Bakeer Mohammed
6. B. Abdullah
7. M. Shabeekur Rahman
8. B. Shahul Hameed
9. B. Abdul Majeethu
10. R. Anbazhagan
11. B. Ubaidullah
12. Y. Zakeria

13. N. Habeebullah

14. S. Abdur Rahman

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to remove the encroachment at Savadi Kulam, South Shore under comprised in S.No.38/02 by respondents 4 to 14 based on the petitioner's representation dated 22.05.2015 and 26.05.2015.

For petitioner : Mr. A. Raja Mohamed

For RR 1-3 : Mrs. A. Srijayanthi
Special Government Pleader

ORDER

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

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 to 3. It is not necessary to issue notice to respondents 4 to 14, as this is a case of consideration of the petitioner's representations and no orders can be passed without affording an opportunity of hearing to respondents 4 to 14. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 3, 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 and 2 to remove the encroachment made by respondents 4 to 14 at S.No.38/02, Savadi Kulam, South Shore, based on the petitioner's representation dated 22.05.2015 and 26.05.2015.

3. The petitioner is said to be the President of Kollumedu Panchayat Union, Cuddalore District. According to the petitioner, the property comprised in S.No.38/02 at Savadi Kulam, South Shore, has been in continuous possession and enjoyment of the said Panchayat Union for several decades. While so, the respondents 4 to 14 have encroached upon the said property, which is a pond and have let out the same on rental basis for non-residential purpose. Shops like meat shop, tea shop, canteen, etc. are run in the said property. The tenants, who are occupying the said property, are using the said pond

as a dumping yard, which has resulted in the pond being polluted. Hence, he had addressed several representations to the first respondent to remove the encroachment in question. Since the same have not been heeded to by the authorities, the present writ petition for the afore-stated relief.

4. From a perusal of materials available before us, it is evident that in response to the petitioner's representation dated 31.03.2015, the first respondent, vide communication dated 31.03./01.04.2015, has directed the second respondent to take immediate steps in the matter and to report to him and the petitioner, of the steps taken.

5. In view of the above development and also considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the respondents 1 and 2 to consider and pass orders on the petitioner's representations dated 22.05.2015 and 26.05.2015, on their own merit and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Needless to state that before passing orders on the petitioner's aforestated representations, the alleged encroachers, viz., respondents nos.4 to 14, be given an opportunity of being heard to put forward their defence.

6. With the above direction and observation, the writ petition stands disposed of. Costs made easy.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

cad

To

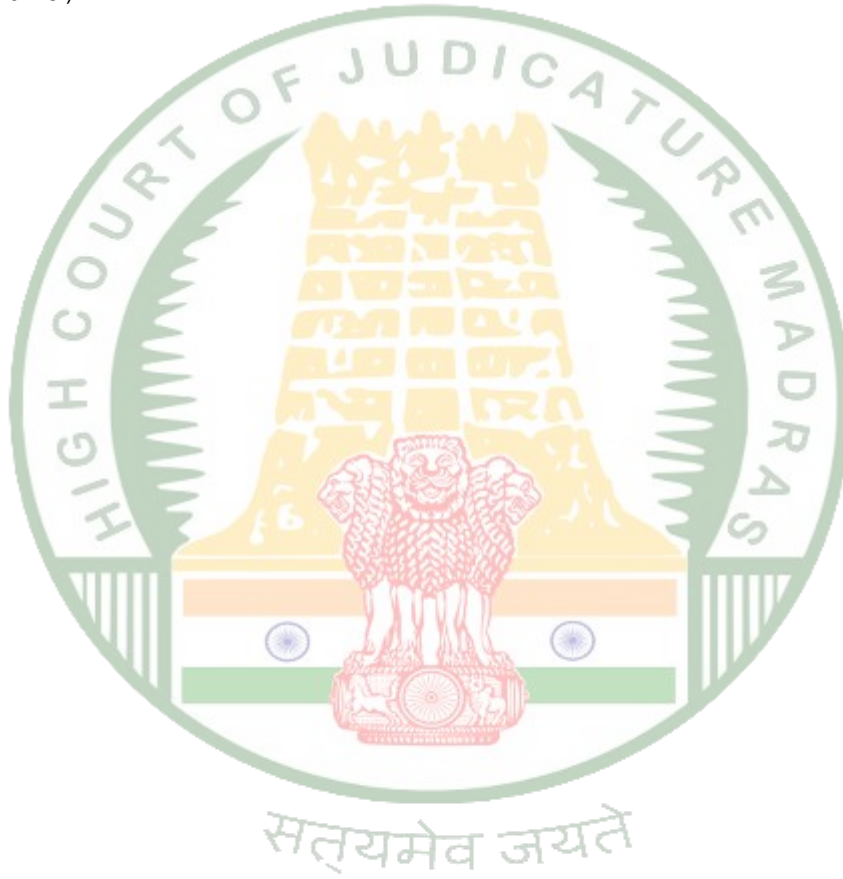
1. The District Collector
Cuddalore District
2. The Revenue Divisional Officer
Cuddalore District

3. The Tahsildar
Kattumannar Koil Taluk
Cuddalore District

+lcc to the Government Pleader, S.R.No.40372

W.P. No.23860 of 2015

TS(CO)
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