

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2015

CORAM:

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

W.P. No.24333 of 2015

1 Adhimoola Naiocker

2 Ranganayagi Ammal

Petitioners

vs.

1 The District Collector
Villupuram District
Villupuram

2 The Tahsildar
Thirukoviloor Taluk
Villupuram District

3 Arumugam
President of Thimmachur Panchayat
Thimmachur Village
Thirukoviloor Taluk
Villupuram District

4 Selvi
W/o Thopplan
Panchayat Councillor of Thimmachur Panchayat
Thimmachur Village
Thirukoviloor Taluk
Villupuram District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents, particularly, the first and second respondents to consider the petitioner's representation dated 24.05.2013 and 22.07.2013 sent for clearing the encroachment made by various third parties.

For petitioner

Ms. S. Thilaka

for Mr. R. Thanjan

For RR 1 & 2

Mrs. A. Srijayanthi

Special Government Pleader

ORDER

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

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 and 2. It is not necessary to issue notice to respondents 3 and 4, 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 them. Thus, with the consent of the learned counsel for the petitioners and the learned Special Government Pleader appearing for respondents 1 and 2, this writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioners are husband and wife. According to the first petitioner, he has inherited vast tracts of land in Thimmachur Village, Thirukoviloor Taluk, Villupuram District, from his ancestors and has been in possession and enjoyment of the same with his family for quite a long time. While so, some third parties in the said village, in collusion with the third respondent, are claiming the above properties by making encroachment and they have also got illegal patta in their name in collusion with respondents 2 and 3. Hence, seeking removal of the said encroachment, the second petitioner has addressed representations dated 24th May 2013 and 22nd July 2013 followed by a legal notice dated 02.03.2015. Since none of the same has been acted upon, they have filed the instant writ petition, seeking a direction to respondents 1 and 2 to consider their aforestated representations.

3 Considering the limited scope of the relief sought by the petitioners, without going into the merits of the case, we direct the respondents 1 and 2 to consider and pass orders on the second petitioner's representations dated 24th May 2013 and 22nd July 2013, 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 second petitioner's aforestated representations, the concerned parties, including the alleged encroachers, be given an opportunity of being heard to put forward their defence.

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

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

cad

To

1 The District Collector
Villupuram District
Villupuram

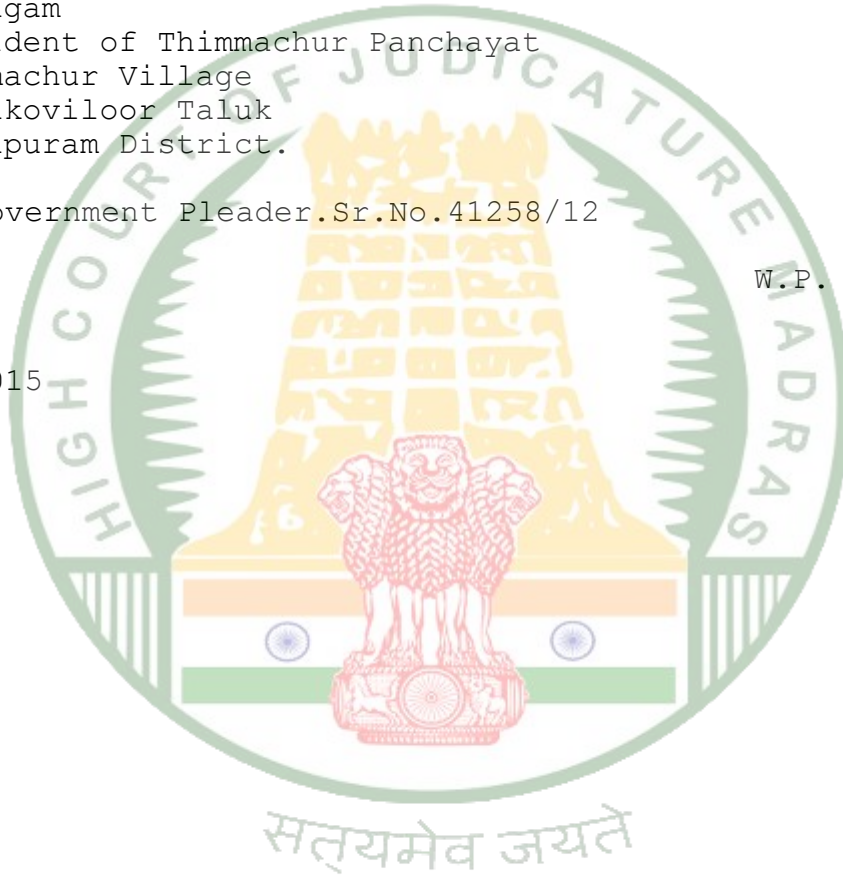
2 The Tahsildar
Thirukoviloor Taluk
Villupuram District

3 Arumugam
President of Thimmachur Panchayat
Thimmachur Village
Thirukoviloor Taluk
Villupuram District.

1 cc to Government Pleader.Sr.No.41258/12

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pmk.9.9.2015



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