

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2015

CORAM:

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

W.P. No.25466 of 2015

T. Parasuraman
Panchayath President
Road Street
Vengalathur Village
Vembakkam Taluk
(previsously Cheyyar Taluk)
Tiruvannamalai District 604 410

... Petitioner

Vs.

1. The District Collector
Tiruvannamalai District
2. The Tahsildar
Vembakkam Taluk
Tiruvannamalai District
3. T. Munusamy
4. M. Leela Devi

... 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 illegal encroachment of respondents 3 and 4 in Survey No.221/1 at Vengalathur Village, Vembakkam Taluk, Thiruvannamalai District, measuring an extent of 1 acre and 8 cents within a time-frame.

For petitioner : Mr. A. Swaminathan

For RR 1 & 2 : Mr. N. Sakthivel
Government Advocate

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 1 and 2. With the consent of the learned counsel for the petitioner and the learned Government Advocate, the writ petition is taken up for final disposal, at the admission stage itself. Notice to respondents 3 and 4 is dispensed with at this stage, as no consequential action shall be taken by the concerned authorities, on the petitioner's representation without notice to them.

2. The petitioner is the President of Vengalathur Village, Vembakkam Taluk, Thiruvannamalai District. According to him, in the Panchayat Meeting held on 29th January 2014, it was resolved to allot the entire cart track poramboke land in S.No.221/1 to the Government High School, Vengalathur Village, for construction of additional building. While so, the private respondents, who are political bigwigs, have encroached upon the land in question. Seeking removal of the said encroachment made by them, the petitioner has addressed a representation dated 22nd July 2015. Finding no response, the petitioner has come up with the instant writ petition, seeking a direction to the official respondents to remove the alleged illegal encroachment made by respondents 3 and 4.

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submits that it would suffice if a direction is given to the official respondents to consider the petitioner's representation dated 22nd July 2015 within a time-frame.

4. In view of 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 the petitioner's representation dated 22nd July 2015 on its own merit and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Ergo, take the consequential action accordingly within such time. Needless to state that no adverse action be taken without affording an opportunity of hearing to the alleged encroachers, including the respondents 3 and 4.

5. With the above direction and observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

To

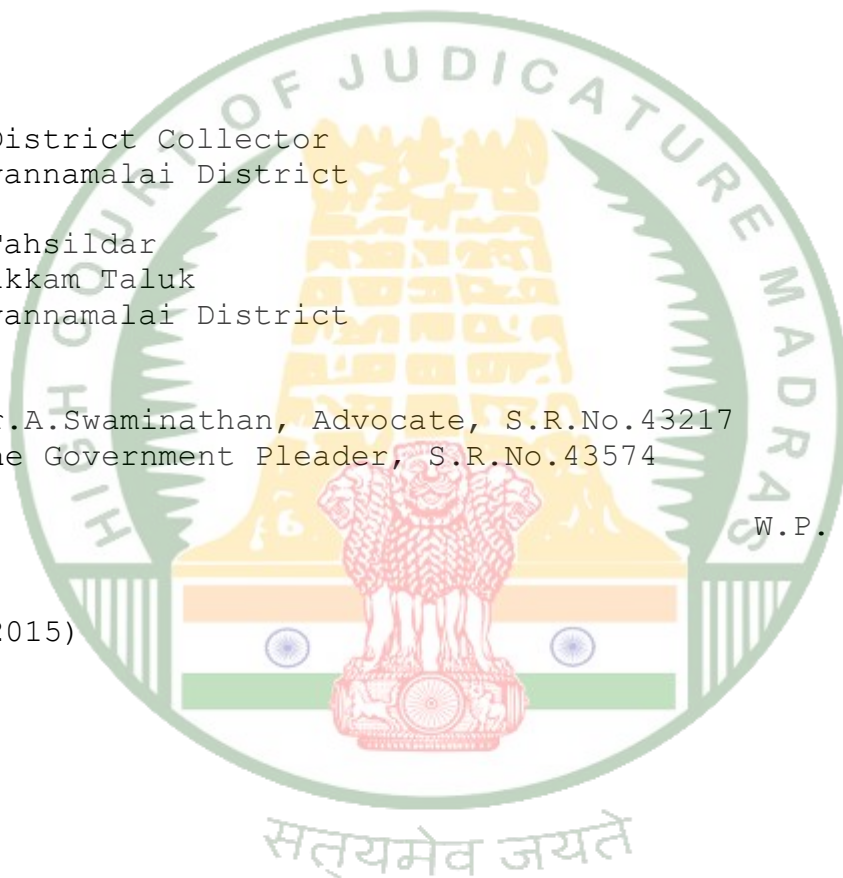
1. The District Collector
Tiruvannamalai District
2. The Tahsildar
Vembakkam Taluk
Tiruvannamalai District

+1cc to Mr.A.Swaminathan, Advocate, S.R.No.43217

+1cc to the Government Pleader, S.R.No.43574

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CA (CO)
CA(08/09/2015)



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