

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2015

C O R A M

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

W.P. No.25601 of 2015

Muthukrishnan

... Petitioner

Vs

1. The District Collector,
Erode District.
2. The Tahsildar,
Perundurai,
Erode District.
3. The President,
Kandampalayam Panchayat,
Erode District.
4. Kolandaisamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to remove the encroachments made by the 4th respondent in R.S.No. 4/6 in Kandampalayam Village, Perundurai Taluk, Erode District, within the time fixed by this court by considering the petitioner's representation dated 20.7.2015.

For petitioner : Mr. I.C. Vasudevan

For respondents : Mr.P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1 & R2
Mrs. M.E. Rani Selvam

O R D E R

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

Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2. Mrs.M.E.Rani Selvam, learned counsel, accepts notice on behalf of the third respondent. With the consent of the learned counsel for the petitioner, learned Special Government Pleader and the learned counsel for the third respondent, this writ petition is taken up for final disposal, at the admission stage itself. Notice to respondent No. 4 is dispensed with at this stage, as no consequential action can be taken by the concerned authorities, without affording an opportunity of hearing to him.

2. The petitioner, a resident of Kandampalayam, Perundurai Taluk, Erode District, has made a representation on 20.07.2015 to the second respondent, seeking removal of the encroachment on the public pathway in R.S.No.4/6 in Kandampalayam Village, Perundurai Taluk, Erode District. Since the said representation has not been given heed to by the authorities, the instant writ petition has been filed by the petitioner for a direction to consider his aforestated representation and take consequential action for removal of the encroachment on the public pathway.

3. Mrs.M.E.Rani Selvam, learned counsel, appearing for the third respondent submits that though the aforestated representation has been made to the second respondent for taking steps to remove the encroachment, necessary action will be taken by the third respondent, in accordance with law, within a period of four weeks.

4. In view of the above submission made by the learned counsel for the third respondent, without going into the merits of the case, the third respondent is directed to consider the petitioner's representation dated 20.07.2015 and take necessary consequential action, after proper survey and inspection and also after affording an opportunity of hearing to the alleged encroachers, including the fourth respondent herein.

5. This writ petition stands disposed of with the above direction. Costs made easy.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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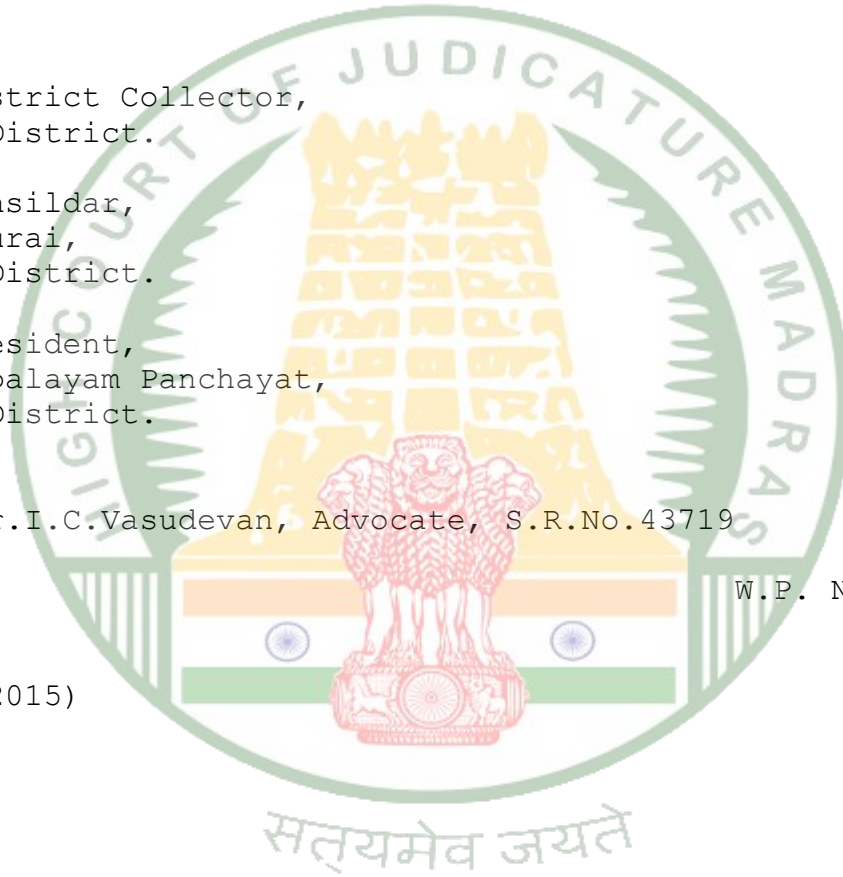
To

1. The District Collector,
Erode District.
2. The Tahsildar,
Perundurai,
Erode District.
3. The President,
Kandampalayam Panchayat,
Erode District.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.43719

W.P. No. 25601 of 2015

GR(CO)
CA(02/09/2015)



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