

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7/10/2015

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.27967 of 2014

A. Fathima Beevi ...Petitioner

Vs

1. The District Collector
Nagapattinam District.
2. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Nagapattinam District.
3. The Tahsildar
Nagapattinam Taluk
Nagapattinam District.
4. Malar @ Saraswathi
5. Ravichandran ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of mandamus to direct the respondents 1 to 3 to consider the petitioner's representation dated 18/7/2014 in accordance with law within the time stipulated by this Court, consequently directing the first to third respondents to remove the encroachment from the common pathway in Survey No.16/2D3 situated at Pachanthopu, Thittacherry, Puragramam Post, Nagapattinam Taluk, Nagapattinam District.

For petitioner : Mr.S.Mohamed Ansar

For respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R.R.1 to 3
Notice served on R.R.4 and 5.

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.,)

With the consent of the learned counsel for the learned Special Government Pleader for the official respondents, the writ petition is taken up for final disposal.

2. Notice to the respondents 4 and 5 is dispensed with, as no consequential action of removal may be taken without affording an opportunity of hearing at the hands of the official respondents.

3. The case of the petitioner is that he made a representation on 18 July, 2014, to the respondents 1 to 3, pointing out illegal encroachment and unauthorised construction made by the fourth and fifth respondents in the common pathway in S.No.16/2D 3 situated at Pachanthopu, Thittacherry, Puragramam Post, Nagapattinam Taluk, Nagapattinam District. Finding no response from the authorities, this writ petition came to be filed for the aforestated relief to direct the respondents 1 to 3 to consider the petitioner's representation dated 18/7/2014 and to remove the alleged encroachment.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 fairly submits that if the aforestated representation is pending consideration, the same will be examined by the first respondent and necessary action, in accordance with the provisions of law, after affording an opportunity of hearing to all the encroachers, including the fourth and fifth respondents, will be taken.

5. Considering the limited relief sought in this petition and also the fair submission of the learned Special Government Pleader, we direct the first respondent to examine the aforestated representation and initiate necessary steps, after proper survey and spot inspection, to ensure that the unauthorised and illegal construction does not subsist on the common pathway in question. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. Needless to state that the alleged encroachers including the respondents 4 and 5 are entitled to an opportunity of hearing before action of removal is resorted to.

6. The writ petition stands disposed of with the above direction. Costs made easy.
mvs/vvk.

Sd/-

Assistant Registrar (CS-IV)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector
Nagapattinam District.
2. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Nagapattinam District.
3. The Tahsildar
Nagapattinam Taluk
Nagapattinam District.

+1 C.C. To MR.Mohamed Amar, Advocate in SR.NO.54449

+1 C.C. To Government Pleader in SR.NO.54638

W.P.No.27967 of 2014

VSN(CO)
sd : 19/10/2015



WEB COPY