

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

CORAM:

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

W.P.No.31388 of 2015

and

M.P.No.1 of 2015

R. Venkatesan,
S/o.Ramamurthy,
The Chairman,
Board of Trustees,
Arulmighu Perumal Thirukoil,
Pulikarai Village, Palacode Taluk,
Dharmapuri District.

... Petitioner

Vs

1. District Collector,
Dharmapuri District, Dharmapuri.
2. The Revenue Divisional
Officer, Dharmapuri.
3. The Tahsildar,
Palacode Taluk, Palacode.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Dharmapuri.
5. The Executive Officer,
Arulmighu Perumal Thirukoil,
Pulikarai Village, Palacode Taluk,
Dharmapuri District.
6. Paramasivan

... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondents to remove the encroachment in the Government Land/pathway in S.No.118, Pulikarai Village and take appropriate action against the encroachers based on the petitioner's representation dated 26.9.2015.

For Petitioner : Mr.M. Selvam
For Respondents : Mrs. A. Srijayanthi
Special Government Pleader -R1 to R3
Mr. P. Sanjay Gandhi
Additional Govt. Pleader R4 & R5

ORDER

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

Mrs.A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents 1 to 3. Mr. P. Sanjay Ganidhi, learned Additional Government Pleader, accepts notice for the respondents 4 and 5. It is not necessary to issue notice to the sixth respondent at this stage, inasmuch as, this is only a case of consideration of the petitioner's representation and no action can be taken without affording an opportunity of hearing to him. Thus, with the consent of the learned counsel for the petitioner, learned Special Government Pleader and learned Additional Government Pleader, the writ petition is taken up for final disposal, at the admission stage itself.

2. By this petition, the petitioner seeks a direction to the official respondents to remove the encroachment in the Government Land/pathway in S.No.118 Pulikarai Village and take appropriate action against the encroachers, based on the petitioner's representation dated 26 September 2015.

3. Mr. Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents 4 and 5, on the basis of the instructions given to him, submits that the Tahsildar, taking cognizance of the petitioner's representation dated 26 September, 2015, had already initiated action.

4. The learned Special Government Pleader appearing for respondents 1 to 3 is not aware of the action initiated or taken by the Tahsildar.

5. In the fact situation of the case, whereunder, the only relief sought by the petitioner is a direction to consider his representation, we refrain ourselves from making any observation in

respect of the encroachments or any other respect. However, we direct the respondents 1 to 3 to examine the petitioner's representation dated 26 September, 2015 and take consequential action, on inspection and after affording proper opportunity of hearing to the alleged encroachers, including the sixth respondent herein. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

ra

Sub Assistant Registrar

To

1. The District Collector,
Dharmapuri District, Dharmapuri.
2. The Revenue Divisional
Officer, Dharmapuri.
3. The Tahsildar,
Palacode Taluk, Palacode.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Dharmapuri.
5. The Executive Officer,
Arulmighu Perumal Thirukoil,
Pulikarai Village, Palacode Taluk,
Dharmapuri District.

+1cc to Mr.M.Selvam, Advocate, S.R.No.54319

+1cc to the Special Government Pleader(HR & CE), S.R.No.54945

+1cc to the Government Pleader, S.R.No.54632

W.P. No.31388 of 2015

MSM(CO)

CA(15/10/2015)