

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.37933 of 2015

C. Balamurugan ...Petitioner

Vs.

1. State of Tamil Nadu,
rep. By its District Collector,
Cuddalore District,
Cuddalore.
2. The Revenue Divisional Officer,
Virudhachalam.
3. The Tahsildar,
Virudhachalam.
4. N. Devaraj
5. N. Arumugam ..Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 to 3 to implement the order of the 2nd respondent dated 5.12.2014 in O.Mu. (A4) 3172/2014 for removal of encroachment on Odai Promboke land in Sy. No.289, Kuruvankuppam Village, Virudhachalam Taluk.

For petitioner : Mr. J. Antony Jesus

For respondents : Mr. N. Sakthivel
Government Advocate R1 to R3

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondents 1 to 3. Notice to respondents 4 and 5 is dispensed with at this stage, inasmuch as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking a direction to the respondents 1 to 3 to implement the order of the second respondent dated 05 December, 2014 for removal of encroachment on Odai Poromboke land in Sy.No.289, Kuruvankuppam Village, Virudhachalam Taluk.

3. Taking notice of the petitioner's representation dated 01 December, 2014 addressed to the second respondent/Revenue Divisional Officer, Virudhachalam, the second respondent, vide his communication dated 05 December, 2014 directed the third respondent/ Tahsildar, Virudhachalam to initiate action on the aforesaid complaint made by the petitioner.

4. It appears that, thereafter, the Tahsildar, Virudhachalam, directed the Assistant Taluk Surveyor on 02 May, 2015 to measure the land and fix the boundaries to demarcate the Odai Poramboke, which is under encroachment as alleged by the petitioner. According to the petitioner, no steps have been taken thereafter. Thus, one more representation was made on 07 September, 2015 to the District Collector, which yielded no response. Thus, the present writ petition for the aforesaid relief.

5. Mr. N. Sakthivel, learned Government Advocate, appearing for the respondents 1 to 3 submits that appropriate steps will be initiated and necessary action will be taken on merits and in accordance with law, after affording an opportunity of hearing to the alleged encroachers.

6. In view of the foregoing, no further adjudication is necessary. However, we deem it fit and proper to direct the official respondents 1 to 3 to ensure that necessary action, pursuant to the petitioner's aforesaid representation is taken and the encroachment, if any, is removed, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

This writ petition stands disposed of with the above direction. No costs.

ra

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Collector,
State of Tamil Nadu,
Cuddalore District,
Cuddalore.
2. The Revenue Divisional Officer,
Virudhachalam.
3. The Tahsildar, Virudhachalam.

+ 1 cc to Mr. J. Antony Jesus, Advocate Sr 64859.

KGK/CO
KR/18/12

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