

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2015

CORAM:

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

W.P. No.38143 of 2015

R. Natarajan

Petitioner

vs.

1 The District Collector, Salem

2 The Revenue Divisional Officer
Attur

3 The Tahsildar
Attur

4 A. Muthu

5 A. Thambi Nalliappan

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the District Collector, Salem District, the first respondent herein, to consider the representations dated 12.01.2015 and 20.04.2015 submitted by the petitioner to remove the encroachment made by the respondent nos.4 and 5 in S.No.585 and 586 situated in Siruvachur Village, Attur Taluk, Salem District, within a time frame.

For petitioner Mr. A. Rajakumar

For RR 1-3

Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for 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 Special Government Pleader, this writ petition is taken up for final disposal, at the admission stage itself.

2 Alleging that the private respondents, viz., respondents 4 and 5 have made illegal encroachments in the Odai (stream) poramboke land in Survey Nos.585 and 586, Siruvachur Village, Attur Taluk, Salem District, hampering free and uninterrupted flow of water in the water channel, the petitioner has addressed a representation dated 12 January 2015, followed by another representation dated 20 April 2015 to the first respondent, viz., the District Collector, Salem, seeking removal of those encroachments. Since the said representations have not been acted upon, the petitioner has come up with the instant writ petition seeking a writ of mandamus directing the first respondent to consider his aforesaid representations and remove the encroachments made by the private respondents.

3 Given the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the first respondent to consider and pass orders on the petitioner's representations dated 12 January 2015 and 20 April 2015 on their own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that the private respondents shall be afforded an opportunity of hearing, before taking any coercive action, if need be.

The writ petition stands disposed of with the above direction and observation. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The District Collector, Salem
- 2 The Revenue Divisional Officer, Attur
- 3 The Tahsildar, Attur

+1 cc to Mr.A.Rajakumar, Advocate, sr.65099

W.P. No.38143 of 2015

rv co

kra 18.12.2015