

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.40260 of 2015
and
M.P.No.1 of 2015

A.Thangaraj

... Petitioner

Vs.

1. The District Collector,
Villupuram District,
Collectorate, Villupuram.

2. The Tahsildar,
Taluk Office,
Sankarapuram Taluk,
Villupuram District.

3. The Village Administrative Officer,
Village Administrative Office,
Mallapuram Village,
Sankarapuram Taluk,
Villupuram District.

4. The Block Development Officer,
Mallapuram Village,
Sankarapuram Taluk,
Villupuram District.

5. The Revenue Tahsildar,
Sankarapuram Taluk,
Villupuram District.

6. K.Ganesan

... Respondents

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Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent in Survey No.218, Mallapuram Village, classified as pattai poramboke based on the proceedings of the first respondent in Na.Ka.No.A5/23511/2014 (Si.Pa.Va.No.398-15) dated 12.06.2015.

For Petitioner : Mr.P.Valliappan

For Respondents : Mr.N.Sakthivel,
Govt. Advocate for R1 to R3 & R5
Mr.P.Chinnadurai,
Government Advocate for R4

ORDER

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

Mr.N.Sakthivel, learned Government Advocate accepts notice for respondents 1 to 3 and 5. Mr.P.Chinnadurai, learned Government Advocate accepts notice for the fourth respondent. With the consent of learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2.The allegation of the petitioner is that there is an unauthorised encroachment in pattai poramboke in Survey No.218, Mallapuram Village, Sankarapuram Taluk and a representation dated 11 November 2014 in this regard was made by the general public to the authorities. Taking note of the said representation, the Revenue Tahsildar, Sankarapuram, vide communication dated 28 January 2015, requested the Regional Development Officer, Sankarapuram, to have inspection and take necessary steps for removal of encroachment. Thereafter, on 12 March 2015, the office of the District Collector, sent a memo to Tahsildar, Sankarapuram, for removal of the alleged encroachment. Again, on 13 April 2015, the Regional Development Officer, Sankarapuram, requested the Tahsildar, Sankarapuram, to survey the land in question. The petitioner had also made one more representation on 01 June 2015. Finding no action or response, the petitioner is before this Court, seeking a direction to the authorities concerned to take necessary steps for removal of the encroachment within a stipulated time.

3.Mr.N.Sakthivel, learned Government Advocate appearing for respondents 1 to 3 and 5 and Mr.P.Chinnadurai, learned Government Advocate appearing for the fourth respondent, realising the lethargic attitude and inaction on the part of the authorities, fairly submit that a direction may be issued to the fourth respondent to take consequential action, after spot inspection in accordance with law, within a specified period.

4.In view of the above, we are inclined to direct all the official respondents to co-operate and ensure that **(*) encroachment** does not continue on the Government land and take necessary steps in accordance with law, after affording an opportunity of hearing to the alleged encroachers. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5.With the above observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

Dt: 7.1.2016

(*) Corrected as per the order dated 29.1.2016 made herein.

s/d-

Assistant Registrar(CS-VII)

Dt:4.2.2016

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Villupuram District,
Collectorate, Villupuram.
2. The Tahsildar,
Taluk Office,
Sankarapuram Taluk,
Villupuram District.

3. The Village Administrative Officer,
Village Administrative Office,
Mallapuram Village,
Sankarapuram Taluk,
Villupuram District.

4. The Block Development Officer,
Mallapuram Village,
Sankarapuram Taluk,
Villupuram District.

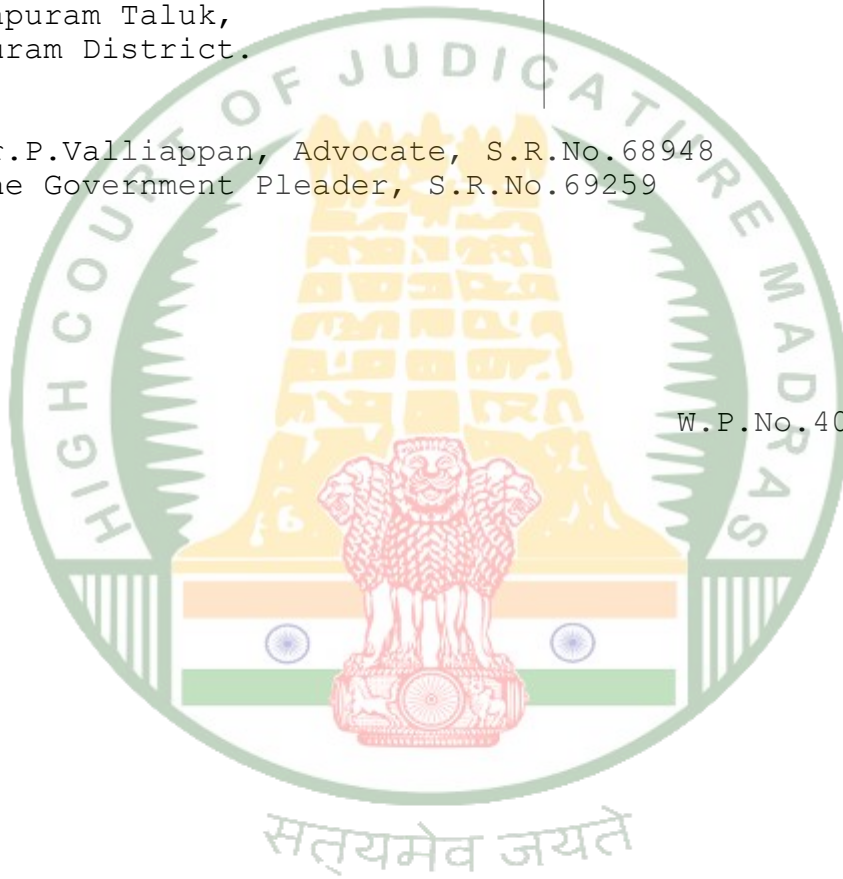
5. The Revenue Tahsildar,
Sankarapuram Taluk,
Villupuram District.

To be substituted for the
order already despatched
on 28.1.2016.

+1cc to Mr.P.Valliappan, Advocate, S.R.No.68948
+1cc to the Government Pleader, S.R.No.69259

ca(co)
prk4/2

W.P.No.40260 of 2015



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