

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6291/2015

Karammal

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Petitioner

Versus

- 1.The District Collector
Coimbatore District,
Coimbatore.
- 2.The Tahsildar
Mettupalayam Taluk,
Coimbatore District.
- 3.The Village Administrative Officer
No.4, Kemmarampalayam Village
Mettupalayam Taluk, Coimbatore district.
- 4.The President
Kemmarampalayam Panchayat
Karamadai Panchayat Union
Mettupalayam Taluk,
Coimbatore District.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents herein to consider and dispose of the petitioner's representation dated 23.10.2014 on merits within the time limit prescribed by this Court.

For Petitioner : Mr.D.Sivakumar
For R1& R2 : Mr.R.Vijayakumar, AGP
For RR3&4 : Mr.V.Jayaprakash Narayanan, Spl.GP

ORDER

Heard Mr.D.Sivakumar, learned counsel for the petitioner ; Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice for the respondents 1 and 2 and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepting notice for the respondents 3 and 4 and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to direct the respondents herein to consider and dispose of the petitioner's representation dated 23.10.2014 on merits within the time limit prescribed by this Court.

3.The petitioner is an agriculturist doing agricultural operation in her land situate in SF.No.570/2 and 567/2. There is a Cart Track lying in SF.No.569/1 which track is used by the villagers and the children to reach their schools, colleges and work places and the said pathway is used for transporting the agricultural products. It is stated by the petitioner that the said pathway is also declared as Public pathway pursuant to the measurement done by the Revenue Surveyor during 2002-2003, the said declaration is also found place in the revenue records. It is the further case of the petitioner, that the owner of the neighbouring land in SF.No.575 encroached the said pathway stating that a part of the said pathway is a patta land and that it belongs to him. The petitioner sent a representation to the respondents and also sought for details under the Right to Information Act,2005. The 2nd respondent has given the information that they have acquired 15 feet of land situate in SF.No.575 for the purpose of laying panchayat road. Though the land is acquired for public purpose, encroaching the same is illegal and hence, the petitioner sent a representation on 23.10.2014 which is pending consideration on the file of the respondents. Since no order has been passed till date on the said representation, the petitioner is before this Court.

4.Though the petitioner seeks for removal of the encroachment and has named the encroachers in his representation dated 23.10.2014, they have not been impleaded as party respondents in this writ petition. Hence, no positive direction, as sought for by the petitioner, can be granted. However, since the representation is pending before the 2nd respondent, the 2nd respondent shall consider the same on merits and in accordance with law, after issuing notice to the petitioner as well as to the alleged encroachers, as expeditiously as possible.

5.The writ petition is dismissed with the above observation. No costs.

Sd/-
Assistant Registrar
Dated:13.3.15

True Copy

Sub Assistant Registrar

To

- 1.The District Collector
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Coimbatore.
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Karamadai Panchayat Union
Mettupalayam Taluk,
Coimbatore District.

+1 cc to Mr.V.Sivakumar, Advocate,Sr.12836

+1 cc to Government Pleader,SR.13302.

rsi(co)
krd 18/3



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