

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.673 of 2015

.....

1 N. Ramamoorthy .. Petitioner

Vs

1 The District Collector
Villupuram District,
Villupuram.

2 The Revenue Divisional Officer,
Kallakurichi.

3 The Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to remove the encroachment made in the cart Track road situated in S.F.No.70/44, 70/4H, 70/4D, 70/4C, 70/4B and 70/2B of Kilpoondi Village and S.F.No.20/2 of Vinaitheethapuram Village, Villupuram District.

For petitioner :: Mr. S. Sivakumar

For respondents :: Mr.P.S.Sivashanmugasundaram
Spl. Govt. Pleader

ORDER

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

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of the respondents.

2. The case of the petitioner is that he has made a representation dated 23.9.2014 to the respondents to remove the encroachments made in S.F.Nos.70/44, 70/4H, 70/4D, 70/4C, 70/4B and 70/2B of Kilpoondi Village and S.F.No.20/2 of Vinaitheethapuram Village, Villupuram District.

3. During the course of the arguments, the learned counsel for the petitioner confines his prayer to consideration of the petitioner's representation dated 23.9.2014 wherein, it is alleged that encroachment has been made on the cart track running from Melur to Vinai Theerthapuram Village, Vellore District. It is further stated that despite the representation, no action has been taken by the authorities causing inconvenience to the people using the said cart track.

4. The petitioner was initially granted time to produce relevant records to establish that the cart track in question belongs to the Government. It is informed that the petitioner has already made an application under the provisions of Right to Information Act for the above said details. At this stage, we deem it fit and proper to direct the respondents to examine the representation and also make proper inspection and survey, on the basis of the records, after affording opportunity of hearing to the persons concerned. If it is found that the said cart track is on the Government land and encroachment has been made, the respondents are directed to take proper action, after affording opportunity of hearing to the persons concerned encroaching on the land in question, for removal of the said encroachment. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar

/ True copy /

Sub Assistant Registrar

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To

1 The District Collector
Villupuram District,
Villupuram.

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2 The Revenue Divisional Officer,
Kallakurichi.

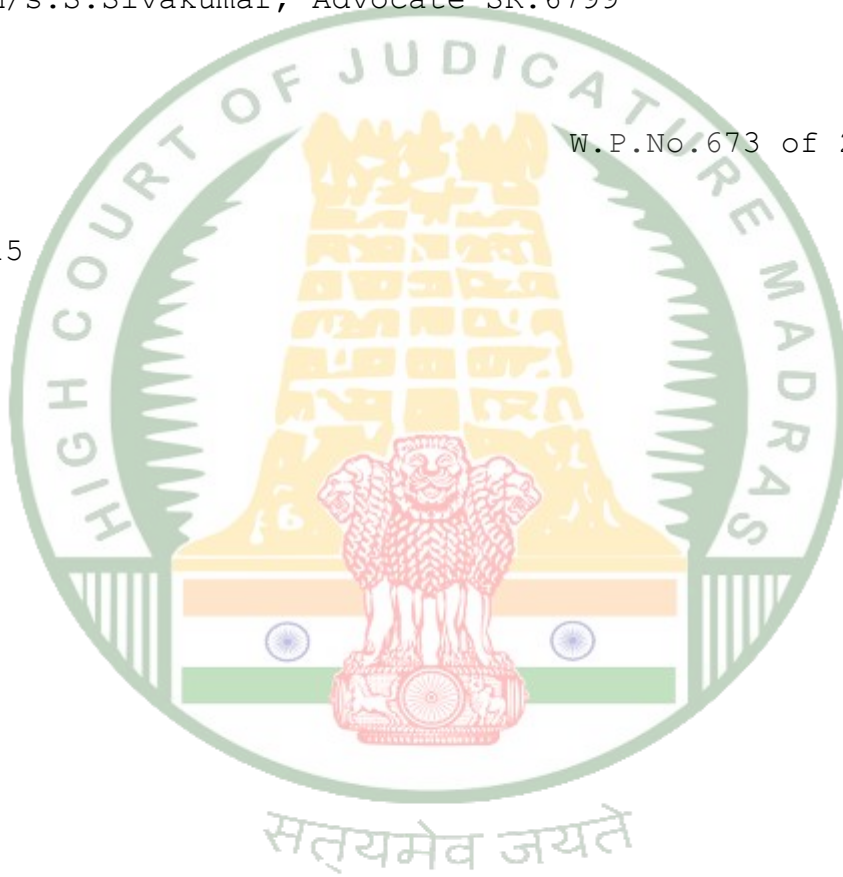
3 The Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.

+1 cc to the Govt. Pleader, High Court, Madras SR.6990

+1 cc to M/s.S.Sivakumar, Advocate SR.6799

W.P.No.673 of 2015

RSI (CO)
JK 21/02/15



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