

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.9222 of 2015 and M.P. No.1 of 2015

The President
Kalpattu Village Panchayat
Polur Panchayat Union
Thiruvannamalai District
represented by its President K. Velu

Petitioner

vs.

1 The District Collector
Tiruvannamalai District Office
Tiruvannamalai
Tiruvannamalai District

2 The District Revenue Officer
District Collector Office
Tiruvannamalai District

3 The Tahsildar
Polur Tahsildar Office
Polur
Tiruvannamalai District

4 The Sub Inspector of Police
Kannamangalam Police Station
Tiruvannamalai District

5 Pushba

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to stop the construction of the fifth respondent in Survey No.141 of Kalpattu Revenue Village and hand over the vacant land to the Vedakollaimedu High School authority by considering the petitioner's representation dated 23.02.2015.

For petitioner

Mr. V. Neethidurai

For RR 1-4

Mr. P.S. Sivashanmugasundaram
Special Government Pleader

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ORDER

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

Alleging that there is an encroachment on the Government land, the petitioner has made a representation dated 23.02.2015 to the first respondent. Since no action has been taken till date, pursuant to the said representation, the petitioner has filed the instant writ petition, seeking a limited relief of a direction to the first respondent to consider his aforestated representation and take appropriate action.

2 Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, takes notice for respondents 1 to 4. It is not necessary to issue notice to the fifth respondent, as it is a case of only consideration of the petitioner's representation and no decision can be taken on the said representation without affording an opportunity of hearing to the fifth respondent. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 4, we are passing this order at the admission stage itself, without issuing notice to the fifth respondent.

3 Considering the limited nature of the relief sought by the petitioner, we direct the first respondent to consider and pass orders on the petitioner's representation dated 23.02.2015 on its 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 alleged encroacher, viz., the fifth respondent shall be given a due opportunity of hearing before orders are passed on the petitioner's representation.

4 With the above direction and observation, the writ petition stands disposed of. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/- सतयमेव जयते
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The District Collector
Tiruvannamalai District Office
Tiruvannamalai
Tiruvannamalai District

2 The District Revenue Officer
District Collector Office
Tiruvannamalai District

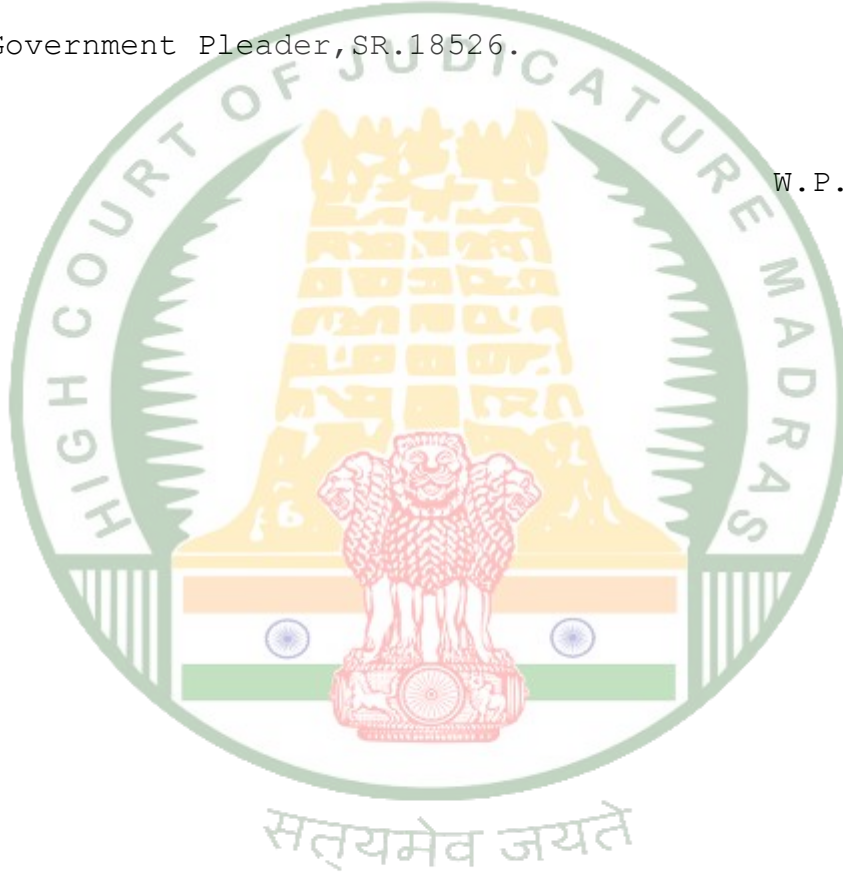
3 The Tahsildar
Polur Tahsildar Office
Polur
Tiruvannamalai District

4 The Sub Inspector of Police
Kannamangalam Police Station
Tiruvannamalai District

+1 cc to Government Pleader, SR.18526.

skv(co)
krd 8/4

W.P. No.9222 of 2015



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