

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.3.2016

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM

W.P.No.10290 of 2016 and
WMP No.9115 of 2016

G.Thangarasu

.. Petitioner

Vs

- 1 The District Collector
Office of the District Collectorate
Namakkal District
- 2 The Thasildar
Rasipuram Taluk Namakkal District
- 3 The Block Development Officer
Namagiripettai Block Namagiripettai
Division Namakkal District
- 4 The President
Thimmanaickenpatty Panchayat
Thimmanaickenpatty Village and Post
Rasipuram Taluk Namakkal District
- 5 P.Saravanan

.. Respondents

This Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus forbearing 3rd and 4th respondents from laying panchayat Thar Road Called Singaliancombai to Erangkuttai Road by illegally evicting the petitioner by illegal encroachment of 10 feet width x 400 feet length in northern side of petitioner property comprised in Survey No. 168 2B 2C of an extent of 4.34 acres situated in Thimmanaickenpatty Rasipuram Taluk and subsequently directing the 3rd respondent to conduct survey of petitioner land bearing survey No. 168 2B 2C for a total extent of 4 acres - 34 cents and thereafter subsequently directing the 3rd 4th and 5th respondents to proceed with laying of thar Road.

For Petitioner : Mr.C.B.Santhosh Kumar
For R1 & R2 : Mr.R.Rajeswaran
Spl.Government Pleader

For R3 : Mr. P.Sanjay Gandhi Additional
Government Pleader
For R4 : Mr. EraPremnath

O R D E R

Heard Mr. C.B.Santhosh Kumar, learned counsel for the petitioner and Mr. R.Rajeswaran, learned Special Government Pleader accepting notice for first and second respondents, Mr.P.Sanjay Gandhi accepting notice for third respondent and Mr.EraPremnath learned counsel appearing for fourth respondent and with the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. The petitioner seeks a direction to forbear respondents 3 and 4 from forming a road in a property which the petitioner claims to be his patta land. With this averments, the petitioner has given representation to the second respondent and the same is pending with the second respondent since first week of March 2016.

3. In the light of the above facts, without going into the merits of the petitioner's claim, there will be a direction to the second respondent to examine the petitioner's representation and consider the tenability of the same after issuing notice to the petitioner as well as the respondents 3 and 4. The petitioner is directed to forward a copy of the representation along with the copy of the order and present the same in person before the second respondent, who shall comply with the above direction within a period of two weeks from the date on which the representation has been given.

4. Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-
Assistant Registrar

True Copy

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Sub-Assistant Registrar

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To

1 The District Collector
Office of the District Collectorate
Namakkal District

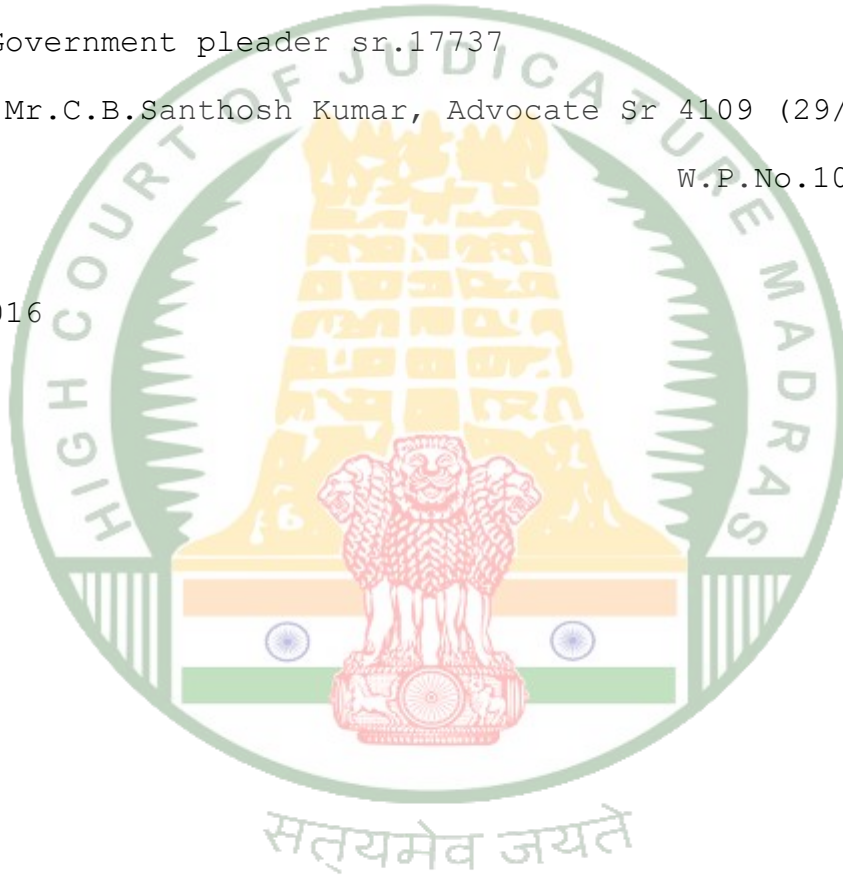
- 2 The Thasildar
Rasipuram Taluk Namakkal District
- 3 The Block Development Officer
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- 4 The President
Thimmanaickenpatty Panchayat
Thimmanaickenpatty Village and Post
Rasipuram Taluk Namakkal District

+1 cc to Government pleader sr.17737

+ 1 cc to Mr.C.B.Santhosh Kumar, Advocate Sr 4109 (29/3/16)

W.P.No.10290 of 2015

aa21/03/2016



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