

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2016

CORAM

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

W.P. No.10376 of 2016

A.Kandan .. Petitioner

Vs.

1.The Secretary to Government of
Tamil Nadu,
Social Welfare Department,
Fort St. George, Chennai - 9.

2.D.Rajaram

3.The District Welfare Officer for
Backward Community,
Cuddalore District.

4.The District Revenue Officer,
Cuddalore District.

5.The Tahsildar,
Kattumannar Koil,
Chidambaram Taluk,
Cuddalore District.

6.The Executive Officer,
Office of the Town Panchayat,
Srimushnam - 608 703
Cuddalore District.

7.The District Collector,
Cuddalore, Cuddalore District.

8.The Special Tahsildar,
Adi Dravida and Scheduled
Tribes Welfare,
Chidambaram, Cuddalore.

9.The Commissioner,
Most Backward and Scheduled
Tribe Welfare Department,
Chepauk, Chennai.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the 7th respondent the District Collector of Cuddalore District to issue favourable orders to his subordinates to remove the encroachment in 63 cents in Survey Nos.246/5 and 33 cents in Survey No.246/6B in Srimooshanam Town Panchayat, Kattumannar Koil Taluk, Cuddalore District, in response to the representation dated 02.03.2015.

For Petitioner .. Mr.S.V.Ramamurthy

For Respondents .. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1, R3 to R9

ORDER

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

Mr.P.S.Sivashanmugha Sundaram, learned Special Government Pleader accepts notice on behalf of respondents 1 and 3 to 9. Notice to the other respondents is dispensed with at this stage, as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for respondents 1 and 3 to 9, the writ petition is taken up for final disposal.

2. Seeking a direction to the District Collector, Cuddalore to issue favourable orders to his subordinates to remove the encroachment in 63 cents in Survey Nos.246/5 and 33 cents in Survey No.246/6B in Srimooshanam Town Panchayat, Kattumannar Koil Taluk, Cuddalore District, the petitioner has come up with the instant writ petition.

3. The brief facts are that the petitioner is a weaver and as per the Government Order in G.O.Rt.No.2723 Social Welfare Department dated 13 November 1970, lands were allotted to landless weavers. The second respondent, claiming to be the owner of the lands, filed a writ petition being W.P.No.2720 of 1972 and the same was dismissed. The petitioner along with others also filed a writ petition being W.P.No.15651 of 2015 and the same was dismissed. Thereafter, the petitioner made several representations to the panchayat as well as the District Collector for removal of encroachment on Survey Nos.246/5 and 246/6B. Since no action was taken, the petitioner is before us.

4. It is stated by the learned counsel appearing for the petitioner that the second respondent has made an encroachment on Survey Nos.246/5 and 246/6B. A request was made to the Collector

as well as the Executive Officer, Srimooshnam Municipality on 02 March 2015 and no action has been taken thereafter.

5. Since the petitioner seems to be aggrieved by the non-action on the representation, we direct the District Collector, Cuddalore, to examine the representation and take necessary action as per law and on its own merits, after notice to the parties, who have allegedly made encroachment on the Government land.

6. With the aforesaid direction, the writ petition stands disposed of. No costs.

Sd/-
Asst. Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary to Government of
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Fort St. George, Chennai - 9.

2. The District Welfare Officer for
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6. The District Collector,
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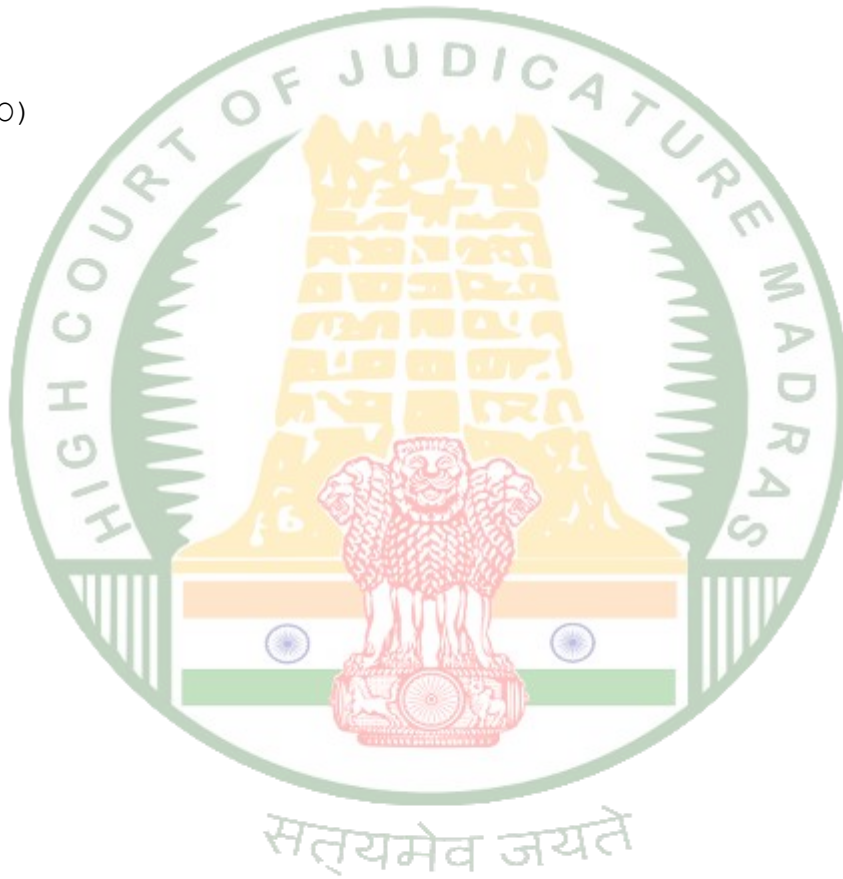
7.The Special Tahsildar,
Adi Dravida and Scheduled
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Chidambaram, Cuddalore.

8.The Commissioner,
Most Backward and Scheduled
Tribe Welfare Department,
Chepauk, Chennai.

1 cc to Government Pleader, Sr. 22157

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