

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2016

CORAM:

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

W.P. No.11073 of 2016
and
W.M.P. No.9633 of 2016

M. Nallathambi

... Petitioner

Vs.

1. The District Collector
Villupuram District
Collector's Camp Office
Collectorate
Villupuram
Tamil Nadu 605 602

2. The Tahsildar
Ulundurpet Taluk
Ulundurpet
Villupuram District
Tamil Nadu 605 602

3. Ramalingam

4. Porapathai

5. Elumalai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents 1 and 2 to inspect the Government poramboke lands of an extent of 6 acres, situate in Survey Field No.111 of M. Kunnathoor Village, Ulundurpet Taluk, Villupuram District, note down the physical features based on the revenue records and declare the nature of the said lands accordingly and consequently take action to remove all encroachments, barbed wire fencing around the entire extent of land or any other obstructions inclusive of fencing put up over the said land illegally and without any authority within a time period and direct that the said land be used for the public purpose of pathway as had been used for several years.

For petitioner : Mr. T.K. S. Gandhi

For RR 1 & 2 : Mr. G. Sai Baba,
Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. G. Sai Baba, learned Government Advocate, accepts notice for the official respondents. Notice to the private respondents is dispensed with at this stage, inasmuch as no order prejudicial to their interest, is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Government Advocate, this writ petition is taken up for final disposal, at the admission stage itself.

2. The gist of the relief sought by the petitioner in this writ petition is a direction to the official respondents to inspect the Government poramboke lands of an extent of 6 acres in S.F. No.111 of M. Kunnathoor Village, Ulundhurpet Taluk, Villupuram District, note down the physical features based on the revenue records and declare the nature of the said lands accordingly and consequently, take action to remove all encroachments and barbed wire fencing around the entire extent of land or any other obstructions inclusive of fencing put up over the said land illegally and direct that the said land be used for the public purpose of pathway, as had been used for several years.

3. Alleging that the private respondents have made encroachment in the Government poramboke lands in question through which runs a cart track, the petitioner addressed a representation dated 26 October 2015 to the first respondent, viz., the District Collector, Villupuram, seeking removal of the said encroachment. Finding no response to the same, the petitioner made another representation to the first respondent on 07 January 2016. Since even the said representation fell on the deaf ears of the authorities, the petitioner has come up with the instant writ petition seeking the aforestated relief.

4. During the course of hearing, the learned counsel for the petitioner submits that it would suffice if the first respondent is directed to consider the petitioner's representations dated 26 October 2015 and 07 January 2016 within a time frame.

5. In view of the limited scope of the relief now sought by the learned counsel for the petitioner, without going into the merits of the case, we direct the first respondent to consider and pass orders on the petitioner's aforesaid representations on their own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and file a compliance report before this Court. Needless to state that an opportunity of hearing be afforded to the private respondents, before taking any consequential action, if need be.

The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cad

To

1. The District Collector
Villupuram District
Collector's Camp Office
Collectorate
Villupuram
Tamil Nadu 605 602
2. The Tahsildar
Ulundurpet Taluk
Ulundurpet
Villupuram District
Tamil Nadu 605 602
3. The Section Officer,
Writ Section(Posting)
High Court, Madras.
(For listing the Case under
the Caption "For Reporting
Compliance" on 02.06.2016)

W.P. No.11073 of 2016

KGK(CO)
CA(06/04/2016)