

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.18773 of 2011

V.Kumar ... Petitioner

-vs-

1.The District Collector,
Salem District.

2.The Tahsildar,
Salem.

3.M/s.Burn Company,
rep. by the General Manager,
Salem-636 005. ... Respondents

(Respondent No.3 impleaded as per order
in M.P.No.1 of 2011, dt. 19.10.2016)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to consider the representation submitted by the petitioner on 1.3.2011.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.T.N.Rajagopalan
Spl. G.P. for R1 & R2

WEB COPY
O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner prays for disposal of the representation dated 01.03.2011, which in turn seeks allotment of the Government land for drinking water, burial ground and school. It is the case of the petitioner that M/s.Burn Company/respondent No.3 is seeking to encroach upon the land measuring 85 Acres.

2. It is pointed in the counter-affidavit filed by respondent No.2/Tahsildar that the petitioner belongs to Omalur Taluk and is not residing in Salem Taluk with which the matter is concerned and where the land is located. The land is stated to be registered in the name of Burn Company/respondent No.3, of which some persons have encroached in S.No.3/1A by way of construction of houses and there is no encroachment by respondent No.3.

3. The receipt of the representation is denied.

4. No rejoinder has been filed.

5. The aforesaid thus seek to suggests that this is a proxy litigation for several encroachers, who have some how prevented the action against them by making false pleas. In any case, there is no encroachment by respondent No.3 as alleged which is a patta holder.

6. The writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

1.The District Collector,
Salem District.

2.The Tahsildar,
Salem.

+1cc to the Government Pleader, S.R.No.59597

msm (CO)
md(3/11/2016)

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