

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

W.P. No.16228 of 2016

V.Ramakrishnan .. Petitioner

Vs.

- 1.The District Collector,
Salem District, Salem.
- 2.The Revenue Divisional Officer,
Collectorate, Salem.
- 3.The Tahsildar,
Attur Taluk, Salem District.
- 4.The Assistant Executive Engineer,
Water Resource Organisation,
Public Works Department,
Attur Taluk, Salem District.

- 5.M.Selvam
- 6.Saravanan
- 7.Sridevi
- 8.Palani
- 9.Varadharajan

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the first respondent to consider the petitioner's representations dated 02.04.2016 and 09.04.2016 and take appropriate action to remove the encroachments made by the respondents 5 to 9 in Survey Nos.63 and 64 in Attur Town, Salem District.

For Petitioner .. Mr.C.Rajaguru

For Respondents .. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1 to R4

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 to 4. Notice to respondents 5 to 9 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 to 4, the writ petition is taken up for final disposal at the admission stage itself.

2. Seeking a direction to first respondent to consider the petitioner's representations dated 02 April 2016 and 09 April 2016 and take appropriate action to remove the encroachments made by respondents 5 to 9 in Survey Nos.63 and 64 in Attur Town, Salem District, the petitioner has come up with the instant writ petition.

3. The petitioner, who is stated to be an agriculturist of Attur Taluk, has made a representation dated 02 April 2016 to respondents 1 to 4, requesting to remove the encroachments made by respondents 5 to 9 in Survey Nos.63 and 64. Again, a reminder dated 09 April 2016 was submitted by the petitioner. Since no action was taken on both the representations, the petitioner is before this Court.

4. Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the first respondent to consider and pass appropriate orders on the petitioner's representations dated 02 April 2016 and 09 April 2016 on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Needless to state that an opportunity of hearing be afforded to the alleged encroachers/respondents 5 to 9 and other encroachers, before taking any consequential action, if need be.

5. 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 District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Collectorate, Salem.

3.The Tahsildar,
Attur Taluk, Salem District.

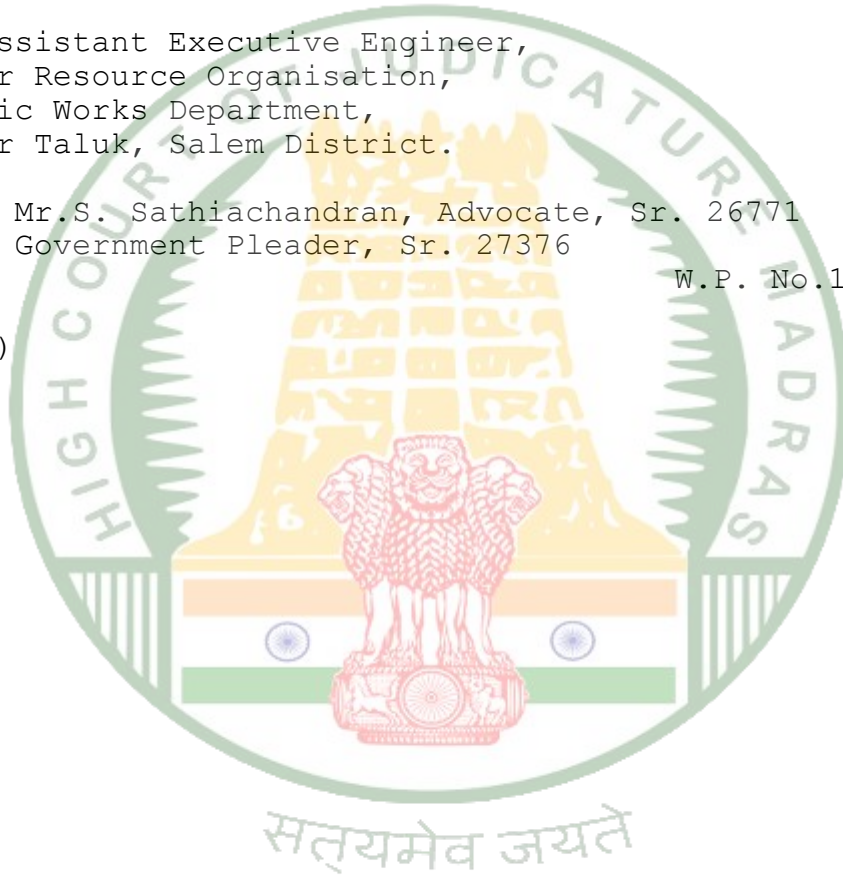
4.The Assistant Executive Engineer,
Water Resource Organisation,
Public Works Department,
Attur Taluk, Salem District.

1 cc to Mr.S. Sathiachandran, Advocate, Sr. 26771

1 cc to Government Pleader, Sr. 27376

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