

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.21767 of 2016

S.Nalli Gounder ..Petitioner

Vs.

1.The District Collector
Namakkal District, Namakkal

2.The Thasildar
Senthamangalam Taluk
Namakkal District

3.Muthusamy

4.Ramasamy

...Respondents.

Writ Petition filed under Article 246 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 29.02.2016 and to consequently direct the 2nd respondent to remove the encroachment of Bullock Cart and Cattle Pathway earmarked at Survey No.297/2 of Navaladipatti Village, Senthamangalam Taluk, Namakkal District.

For Petitioner : Dr.G.Krishnamurthy

For Respondents : Mr.K.Karthikeyan
Government Advocate
for R1 and R2.

ORDER

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Mr.K.Karthikeyan, learned Government Advocate, takes notice for respondents 1 and 2. Considering the nature of order passed herein, notice to respondents 3 and 4 is dispensed with. We have heard the learned counsel for the petitioner and the learned Government Advocate.

2. This Writ Petition is filed praying to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 29.02.2016 and to consequently direct the 2nd respondent to remove the encroachment of Bullock Cart and Cattle Pathway earmarked at Survey No.297/2 of Navaladipatti Village, Senthamangalam Taluk, Namakkal District.

3. It is averred in the Writ Petition that the land bearing Survey No.297/2 of Navaladipatti Village is a Government Land, used for the purpose of movement of village people and cattle; but the said land was now encroached by 3rd and 4th respondents, thereby, the pathway is narrowed. It is further averred that the petitioner has given a representation dated 29.02.2016 to respondents 1 and 2 seeking appropriate action. Now, the learned counsel for the petitioner seeks for a suitable direction to respondents 1 and 2 for removal of the said encroachment.

4. The learned Government Advocate, appearing for the State, submits that two months time may be given to respondents 1 and 2 to take appropriate action.

5. Taking into consideration the above submissions, the 1st respondent/District Collector, Namakkal, is directed to consider the representation of the petitioner dated 29.02.2016 as regards the allegation of encroachment on the Government Land and take appropriate steps for removing the same, after making proper survey. It is for the first respondent to do the needful and take appropriate action for removing the encroachments in accordance with law, after issuing notice to respondents 3 and 4 and hearing them. Such exercise shall be carried out by the first respondent taking assistance from the second respondent herein within a period of two months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector
Namakkal District, Namakkal

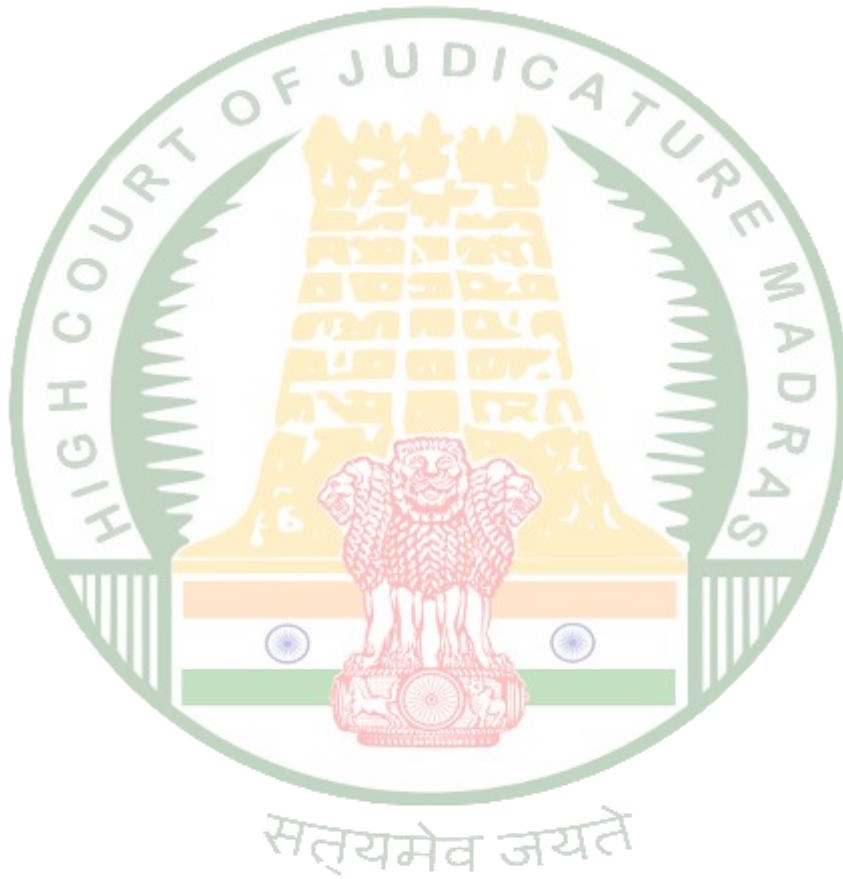
2.The Thasildar
Senthamangalam Taluk
Namakkal District

+1 cc to Dr.G.Krishnamurthy, Advocate,SR.35565.

+1 cc to Govt.Pleader, SR.36105.

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krd 14/7

W.P.No.21767 of 2016



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