

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.41059 of 2015

Munilakshamma

...Petitioner

vs.

1 The District Collector
Krishnagiri District, Krishnagiri

2 The Sub-Collector
Hosur Taluka, Krishnagiri District

3 The Tahsildar
Hosur Taluka, Krishnagiri District

4 The Block Development Officer
Vennandur, Namakkal District

5 Chinna Venkatamma

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 24.07.2015 in respect of the removal of encroachments made in Survey No.562/1 of Thorapally Village, Hosur Taluka, Krishnagiri District, a "car track" as classified in the village revenue records within a reasonable time to enable the petitioner to use the road to carry on their cultivation activities.

For petitioner
For RR 1-3

For R4

Mr. G.M. Ananthakumar
Mrs. A. Srijayanthi
Spl. Govt. Pleader
Mrs. M.E. Raniselvam

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 to 3. Mrs. M.E. Raniselvam, learned counsel, accepts notice for the fourth respondent. Notice to the fifth respondent is dispensed with at this stage, inasmuch no adverse order is passed against her in this writ petition. Thus, with the consent of the learned counsel for the petitioner, learned Special Government Pleader appearing for respondents 1 to 3 and the learned counsel for the fourth respondent, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the official respondents to consider and pass orders on the petitioner's representation dated 24 July 2015 in respect of the removal of encroachments made by the fifth respondent in Survey No.562/1 of Thorapally Village, Hosur Taluka, Krishnagiri District, a "car track" (sic) "cart track", as classified in the village revenue records, to enable the petitioner to use the road to carry on her cultivation activities.

3 The petitioner, noticing that the Government poramboke land in S.No.562/1 of Thorapally Village, classified as "cart track" in the village accounts register, has been encroached by the fifth respondent, addressed a representation dated 24 July 2015 to the official respondents, seeking removal of the said encroachment. However, no action has been taken pursuant to the said representation. Thus, feeling aggrieved by the inaction on the part of the official respondents, the petitioner has come up with the instant writ petition seeking the aforestated relief.

4 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the authority concerned to consider and pass orders on the petitioner's representation dated 24 July 2015 on its own merits and in accordance with law within a period of six 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, including the fifth respondent, before taking any consequential action, if need be.

The writ petition stands disposed of accordingly sans costs.

sd/-
Assistant Registrar (Cs-II)

/TRUE COPY/

Sub-Assistant Registrar

cad

To

- 1 The District Collector
Krishnagiri District, Krishnagiri
- 2 The Sub-Collector
Hosur Taluka, Krishnagiri District
- 3 The Tahsildar
Hosur Taluka, Krishnagiri District
- 4 The Block Development Officer
Vennandur, Namakkal District

+1 CC to MR.G.M. Ananthakumar Advocate. SR.NO.833
+1 CC to Govt.Pleader. SR.NO. 645

W.P. No.41059 of 2015

CO-EV
JD 20/01/2016

सत्यमेव जयते

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