

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2016

CORAM

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

W.P.No.24606 of 2013

A.Nehru,
The Taluk Joint President,
Tamilnadu Vivasayigal Sangam,
Harur Taluk,
Dharmapuri District. .. Petitioner

-vs-

1.The District Collector,
Dharmapuri District,
Dharmapuri.
2.The Revenue Divisional Officer,
Harur Taluk,
Dharmapuri District.
3.The Tahsildar,
Harur Taluk,
Dharmapuri District.
4.Kanagan
5.Shanmugam
6.Vediyappan
7.Ponnusamy
8.Ramu .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to remove encroachment on either side of the canal in Vadagupatti village, Harur Taluk, Dharmapuri District and pave road to the Kattu Kottai Hamlet in Vadagupatti village as per the representation of the petitioner dated 06.05.2013.

For Petitioner : Mr.M.Christopher

For Respondents: Mr.V.R.Kamalanathan
Addl. Government Pleader
for R1 to R3
No Appearance for R4 to R6&8
R7 died

ORDER

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

A water body in the form of Canal is stated to be existing in the vicinity of Kattukottai hamlet and the banks of the same are used by the residents to reach Vadagupatti main road. The land of either side of the Canal is stated to have been classified as Odai poramboke by the revenue authorities. The allegation is that more than 12 acres has been encroached upon by respondent Nos.4 to 8, creating access problem for residents of the village. The Village Panchayat has passed a resolution to remove the encroachment and to lay a road to the village, but no action has been taken.

2. The petitioner has made a representation to the District Collector on 06.05.2013, which was stated to have been forwarded to respondent No.2/Revenue Divisional Officer, who in turn passed an order on 27.5.2013 calling upon respondent No.3/Tahsildar to do the needful. Respondent No.3 is stated to have held the preliminary enquiry and found the illegal encroachment over 12 acres of land by respondent Nos.4 to 8. However, despite the aforesaid finding, no action is stated to have been taken.

3. No counter-affidavit has been filed despite lapse of three years.

4. We are thus of the view that in the aforesaid facts and circumstances, the first three respondents to ensure that encroachment, if any, is removed after notice to all concerned and the exercise be completed within a maximum period of three months of the receipt of this order.

5. The writ petition, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

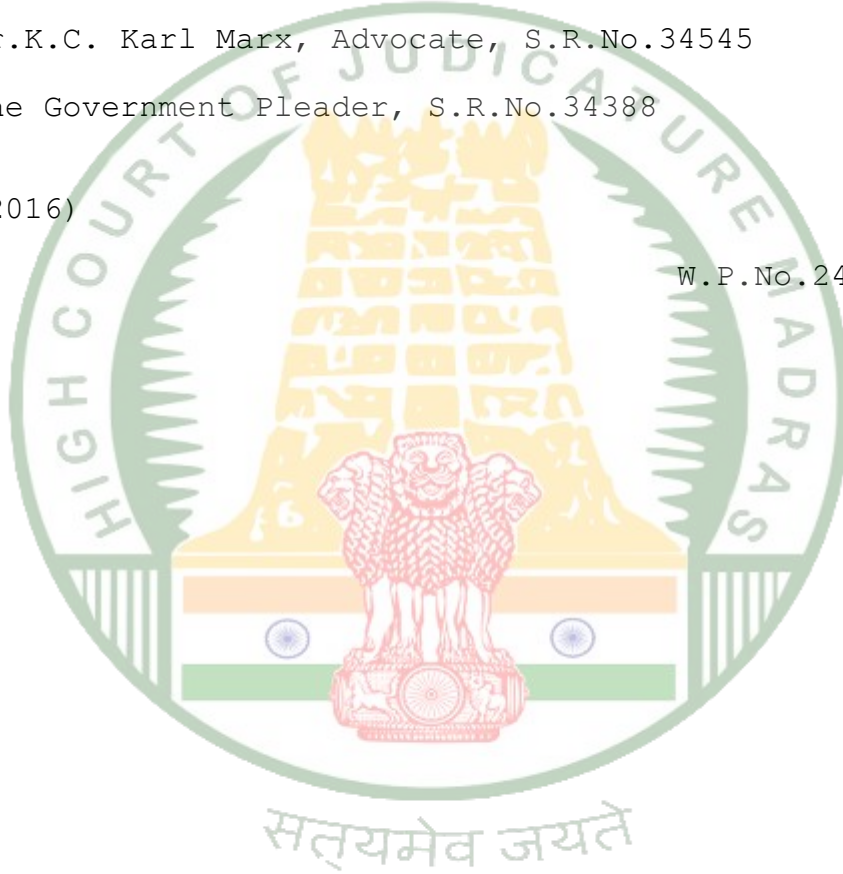
- 1.The District Collector,
Dharmapuri District, Dharmapuri.
- 2.The Revenue Divisional Officer,
Harur Taluk, Dharmapuri District.
- 3.The Tahsildar,
Harur Taluk,
Dharmapuri District.

+1cc to Mr.K.C. Karl Marx, Advocate, S.R.No.34545

+1cc to the Government Pleader, S.R.No.34388

SV(CO)
EU(12/07/2016)

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