

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26779 of 2016

And

W.M.P.No.23029 of 2016

K.T.Selvaraj

... Petitioner

Vs.

1 The District Collector,
Erode District.

2 The Thasildar,
Gobichettipalayam,
Erode District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents their subordinate, men and agents from disturbing the possession of the petitioner from the Natham Promboke land in R.S.No.854/1 to the extent of 45 cents and having pipe line through R.S.No.854/2 and 854/3 of Nambiyur Village, Gobichettipalayam Taluk, Erode District by considering the petitioner's representation dated 21.07.2016.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.P.Sanjai Gandhi

Additional Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2.A perusal of the materials placed before this Court would disclose that the father of the petitioner namely, Thirumalaisamy Gounder had encroached the Natham Poromboke in R.S.No.854/1 in Nambiyur Village, Gobichettipalayam Taluk, Erode District admeasuring to an extent of 0.20.0 Hectare in two plots from the year 1980 by constructing a cattle shed and also used to take water through underground pipeline from the patta lands in R.S.No.854/1, 854/2 and 854/3 of the same village and after his demise, the mother of the petitioner had succeeded to the Estate till her demise on 05.03.1997 and on her demise on 05.03.1997, the petitioner claims to be in possession and

enjoyment of the same property. The grievance expressed by the petitioner is that the second respondent without recourse to law, attempted to dis-possess the petitioner from the land in Natham Poromboke in R.S.No.854/1 and in this regard, said to have personally submitted a representation dated 21.07.2016 to the respondents and since no orders have been passed, came forward to file this writ petition.

3.Heard the submissions of Mr.I.C.Vasudevan, learned counsel appearing for the petitioner and Mr.P.Sanjai Gandhi, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioner to submit one more representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order and the second respondent on receipt of the same, is directed to consider the said representation, in accordance with law and after putting on notice, the persons concerned, shall pass orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner as well as to the persons concerned.

5.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1 The District Collector, Erode District.

2 The Thasildar,
Gobichettipalayam, Erode District.

+1 cc to Mr.I.C.vasudevan,advocate,sr.43689

+1 cc to Govt.Pleader,sr.43924.

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