

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.2712 of 2016

A.Jayasankar

[PETITIONER]

Vs

1 The District Collector
Vellore, Vellore District.

2 The Thasildar
Annaikattu Taluk Office
Vellore, Vellore District.

3 The Block Development Officer
Annaikattu Panchayat Union
Annaikattu, Vellore District.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus, to direct the Respondents to dispose of the representation dated 25.11.2015 pending on the file of the Respondents within stipulated period.

For Petitioner : Mr.M.Sathish Kumar

For Respondents :Mr.R.Rajeswaran- R1 & R2
Special Government Pleader
Mr.RAS Senthilvel - R3

O R D E R

Heard Mr.M.Sathish Kumar, learned Counsel appearing for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader accepting notice for the respondents 1 & 2 and Mr.RAS Senthilvel, learned counsel appearing for the third respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner has filed this Writ Petition expressing certain grievances against the respondents 2 & 3, who have formed a road in his private patta land.

3.The learned counsel for the petitioner submitted that patta has been granted in favour of the petitioner bearing Patta No.630 by the second respondent. The learned counsel would further submit that the petitioner's neighbouring land owner one Sankar had earlier filed a writ petition before this Court in W.P.No.18204 of 2013, to direct the respondents to dispose of his representation dated 16.06.2013. When that Writ Petition was heard, the Block Development Officer, third respondent herein submitted before the Court that there was no proposal to lay a road through the property owned by the said Sankar. Therefore, this Court, disposed of the writ petition on 04.07.2013, as there was nothing to be adjudicated.

4.The petitioner would submit that the road has been formed encroaching his property and therefore, he submitted representation dated 25.11.2015, to remove the encroached road, but no action has been initiated.

5.Though the petitioner would submit that a representation has been given on 25.11.2015, there is no proof to show that the same has been received by the respondents and no acknowledgement has been produced. Therefore, the proper course to be adopted would be to permit the petitioner to submit a fresh representation to the second respondent along with the copy of this order, which should be considered by the authority within a time frame.

6.Accordingly, the petitioner is directed to give a representation to the second respondent along with the copy of this order and enclosing the documents to establish his case, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the second respondent is directed to consider the same, if necessary order after a physical verification of the property and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date on which, the representation is received.

The Writ Petition is disposed of on the above terms. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

rpa

To

1 The District Collector
Vellore, Vellore District.

2 The Thasildar
Annaikattu Taluk Office
Vellore, Vellore District.

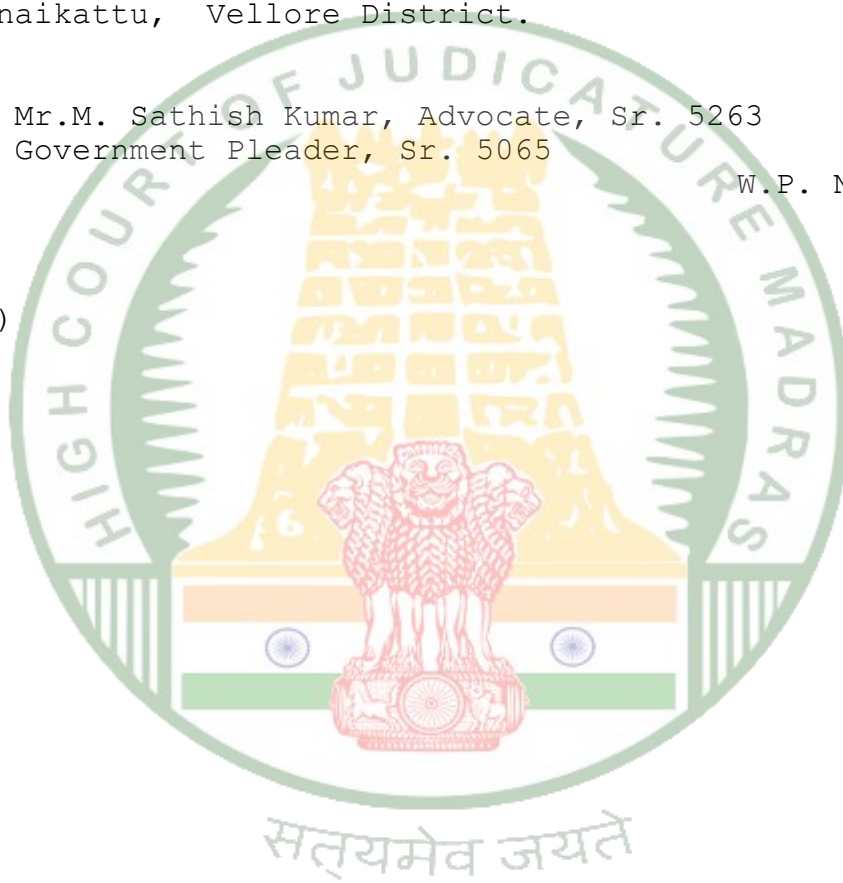
3 The Block Development Officer
Annaikattu Panchayat Union
Annaikattu, Vellore District.

1 cc to Mr.M. Sathish Kumar, Advocate, Sr. 5263

1 cc to Government Pleader, Sr. 5065

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KSJ (CO)
kk 2/2



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