

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.3285 of 2016

K. Tamilselvan

Petitioner

Vs.

1 The District Collector
Cuddalore District
Cuddalore

2 The Revenue Divisional Officer
O/o Revenue Divisional Officer
Chidambaram
Cuddalore District

3 The Tahsildar
Kattumannar Koil Taluk
Kattumannar Koil
Cuddalore District

4 V. Killivalavan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in common passage situated in S.No.43, Madhakalir Manikkam Village, Kattumannar Koil Taluk, Cuddalore District

For petitioner Mr. J. Karthikeyan

For RR 1-3 Mrs. A. Srijyanthi
Special Government Pleader

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ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijyanthi, learned Special Government Pleader, accepts notice for respondents 1 to 3. Notice to the fourth respondent is dispensed with at this stage, inasmuch as no order prejudicial to his interest, is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner

and the learned Special Government Pleader appearing for respondents 1 to 3, the writ petition is taken up for final disposal, at the admission stage itself.

2 The instant writ petition is filed seeking a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in the common passage situated in S.No.43, Madhakalir Manikkam Village, Kattumannar Koil Taluk, Cuddalore District.

3 The facts, in brief, as posited by the petitioner are that he constructed a house in his wife's patta land in S.No.43/3 at Madhakalir Manikkam Village, Kattumannar Koil Taluk, Cuddalore District and has been residing in the said house with his family. While so, the common passage in his survey number, has been encroached by the fourth respondent, who is the owner of the adjacent property in S.No.43/4. Pointing out the said alleged encroachment made by the fourth respondent and seeking removal of the same, he made a representation dated 18 November 2015 to the first respondent, viz., District Collector, Cuddalore. Since the said representation has not evoked any response, he has come up with the instant writ petition seeking the aforestated relief.

4 Considering the limited scope of the relief sought by the petitioner, we direct the first respondent to consider and pass appropriate orders on the petitioner's representation dated 18 November 2015 on its own merits and in accordance with law, as expeditiously as possible, preferably, 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 encroacher, viz., the fourth respondent, before taking any consequential action, if need be.

The writ petition stands disposed of with the above direction and observation. Costs made easy.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

1 The District Collector
Cuddalore District
Cuddalore

2 The Revenue Divisional Officer
O/o Revenue Divisional Officer
Chidambaram
Cuddalore District

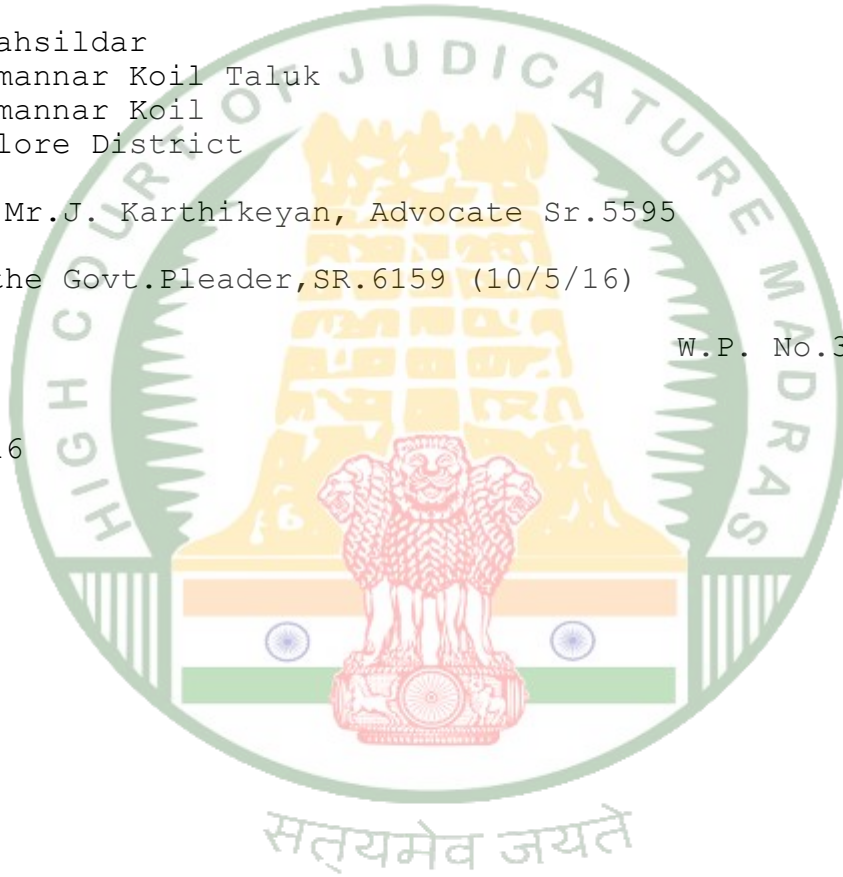
3 The Tahsildar
Kattumannar Koil Taluk
Kattumannar Koil
Cuddalore District

+ 1 cc to Mr.J. Karthikeyan, Advocate Sr.5595

+1 cc to the Govt.Pleader,SR.6159 (10/5/16)

W.P. No.3285 of 2016

BVR(CO)
Eu 05.02.16



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