

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.44205 of 2016

and

WMP.No.38043 of 2016

1. J.V.Shanmugam
 2. Saraswathi
W/o J.V.Shanmugam
- ... Petitioners

-vs-

1. The District Collector
Tiruvannamalai District
Tiruvannamalai
 2. The Assistant Director (Panchayats)
Tiruvannamalai District
Tiruvannamalai
 3. The Block Development Officer
Kalasapakkam Block
Kalasapakkam
Tiruvannamalai District
 4. The President
Kadaladi Village Panchayat
Kadaladi Village & Post
Kalasapakkam Taluk
Tiruvannamalai District
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third respondent to pass orders on the representation dated 17.10.2016 of the petitioners, forwarded by the second respondent in Letter dated Oo.Mu.A5/3674/2016 dated 3.11.2016, to acquire the lands measuring about 5500 sq.ft., comprised in Survey Nos.822/3 and 803/1E, Kadaladi village, Kalasapakkam Block, Tiruvannamalai District for laying panchayat roads and pay compensation to the petitioners, in accordance with law, within a reasonable time as may be fixed by this Hon'ble Court.

For Petitioners	::	Mr.N.Anand Venkatesh
For Respondents	::	Mr.A.Rajaperumal Additional Government Pleader for R1 & 2 Mr.R.Govindasamy Special Government Pleader for R3

ORDER

The petitioners have come to this Court seeking a limited prayer for issuing a direction to the third respondent-Block Development Officer, Kalasapakkam Block, Tiruvannamalai District to pass orders on the representation submitted by them on 17.10.2016, which has been already forwarded by the Assistant Director (Panchayats), Tiruvannamalai, the second respondent herein in his letter bearing No.Oo.Mu.A5/3674/2016 dated 3.11.2016 to the third respondent-Block Development Officer, Kalasapakkam to take necessary action to acquire the lands measuring about 5500 sq.ft., comprised in Survey Nos.822/3 and 803/1E, Kadaladi village, Kalasapakkam Block, Tiruvannamalai District for laying panchayat roads and pay compensation to the petitioners in accordance with law.

2. Learned counsel for the petitioners submitted that although the lands belonging to the petitioners were already encroached by the fourth respondent without following the due process of law, pursuant to the direction of this Court, they made a representation dated 17.10.2016 to the second respondent and considering their genuine request, the Assistant Director (Panchayats), Tiruvannamalai had forwarded the same to the Block Development Officer, Kalasapakkam Block to submit a report whether the petitioners lands were indeed acquired by the fourth respondent so as to take further action. He has also produced a copy of the letter issued by the second respondent to the third respondent in this regard.

3. Mr.A.Raja Perumal, learned Additional Government Pleader takes notice on behalf of the respondents 1 & 2 and Mr.R.Govindasamy, learned Special Government Pleader takes notice on behalf of the third respondent. Notice to the fourth respondent is dispensed with.

4. A reading of the letter dated 3.11.2016 sent by the second respondent to the third respondent also shows that a direction has been issued to the third respondent to take appropriate action in the matter. But no report has been till date filed. Therefore, putting on notice the learned Additional Government Pleader for the respondents 1 & 2 and the learned

Special Government Pleader for the third respondent, this Court hereby directs the third respondent-Block Development Officer, Kalasapakkam Block to consider the representation of the petitioners dated 17.10.2016, in the light of the direction issued by the second respondent dated 3.11.2016, and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.38043 of 2016 is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The District Collector
Tiruvannamalai District
Tiruvannamalai
2. The Assistant Director (Panchayats)
Tiruvannamalai District
Tiruvannamalai
3. The Block Development Officer
Kalasapakkam Block
Kalasapakkam
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4. The President
Kadaladi Village Panchayat
Kadaladi Village & Post
Kalasapakkam Taluk
Tiruvannamalai District

+1cc to Mr.N. Anand Venkatesh, Advocate, S.R.No.76230

nmi (CO)
md(19/01/2017)

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