

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4901 of 2016
& W.M.P.No.4253 of 2016

V.P.Kandhasamy

.. Petitioner

Vs.

1. The District Collector,
Erode District, Erode.

2. The Block Development Officer,
Modakkurichi Panchayat Union,
Modakkurichi, Erode Tk and Dt.

3. The Tahsildar,
Erode Taluk, Erode.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent 1 and 3 to consider and dispose of the petitioner's representation, dated 17.12.2015 at the earliest possible time.

For Petitioner : Mr.V.S.Kesavan

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P
1 & 3

For R2 : S.Pattabiraman G.A for R2

ORDER

The Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondent 1 and 3 to consider and dispose of the petitioner's representation, dated 17.12.2015 at the earliest possible time.

2. It is averred by the petitioner in the affidavit filed in support of the petition that the petitioner along with others, is doing agriculture in Survey Numbers 224 and 234 of Enjampalli "A" village and adjacent to the petitioner's lands, there is a pathway (nilaviyal pathai) in Survey Numbers 225 and 235, which leads to the burial ground situated nearby. There is another pathway available to go to the said burial ground. It is the grievance of the petitioner that the respondents are trying to

obliterate the petitioner's lands and forming a cart-track to the said burial ground. Without giving any notice to the petitioner or other farmers, the respondents, on 15.12.2015 and 16.12.2015, trespassed into the petitioner's lands and measured the lands for forming a cart-track to go to the said burial ground by augmenting the existing pathway in S.Nos.225 and 235. It is the further case of the petitioner that on enquiry in the respondents' office, he came to know that the respondents are taking action on the petition filed by one Nachi and others. Therefore, the petitioner, along with four others, gave a representation, dated 17.12.2015 to the respondents to consider the alternative way to the burial ground without disturbing the petitioner's patta lands. It is the main averment of the petitioner that there is an alternative way situated in the Government poramboke land and if the cart-track to burial ground is formed there, it will not be hindrance to anyone. But, due to political influence of a person who encroached therein, the respondents refused to form the cart-track in the available alternative way. Though the respondents received the said representation, they have not taken any action on the said representation. Hence, the petitioner has filed the above Writ Petition for the relief stated supra.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents.

4. Considering the limited scope of the prayer made in this Writ Petition, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the respondents to consider the said representation, dated 17.12.2015 of the petitioner and after giving an opportunity of hearing to the petitioner and other necessary parties, dispose of the said representation, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. W.M.P.No.4253 of 2016 is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

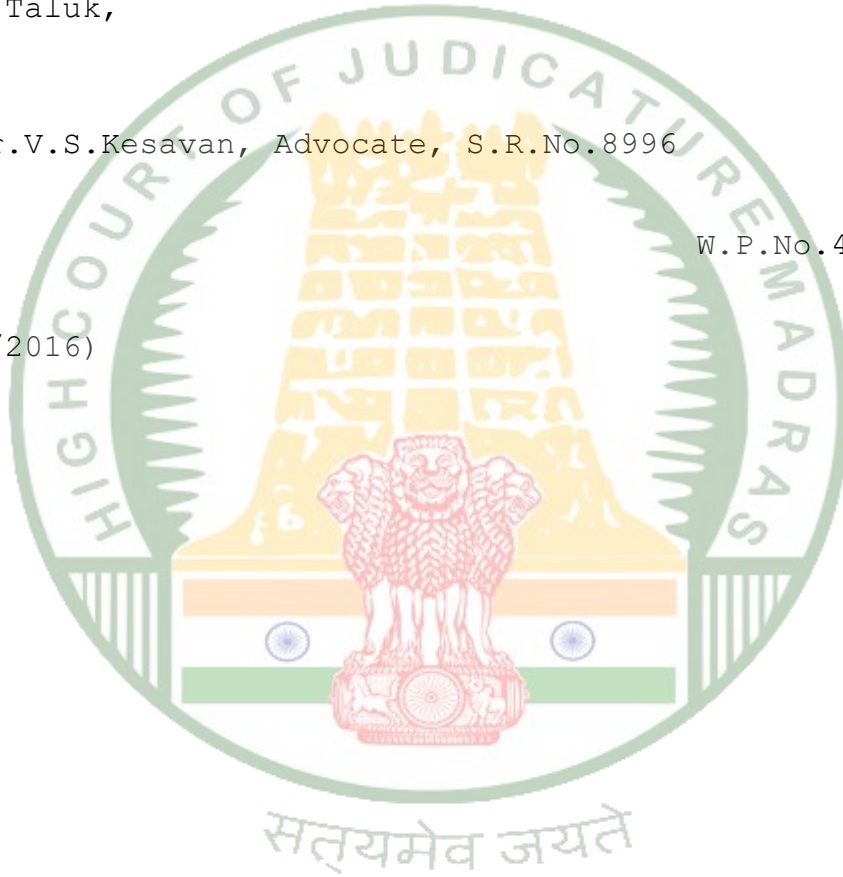
Copy to

1. The District Collector,
Erode District,
Erode.
2. The Block Development Officer,
Modakkurichi Panchayat Union,
Modakkurichi, Erode Tk and Dt.
3. The Tahsildar,
Erode Taluk,
Erode.

+1cc to Mr.V.S.Kesavan, Advocate, S.R.No.8996

W.P.No.4901 of 2016

sai (CO)
srg (23/02/2016)



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