

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.7078 of 2016

V. Guruprasadh

..Petitioner

Vs.

- 1 The District Collector
Krishnagiri District, Krishnagiri
- 2 The Tahsildar
Hosur Taluka, Hosur, Krishnagiri District
- 3 Chockanatha Raj
Thinnapalli Sudapuram Village
Pelathur Post
Hosur Taluka, Krishnagiri District

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 27.07.2015 in respect of the removal of the encroachments made in Survey No.101/1, measuring about Hec.0.13.0 (or) 27.2 feet of Thinnapalli Sudapuram Village, Hosur Taluka, Krishnagiri District which land is classified as Poramboke land and entered as "Cart Track" within a reasonable time.

For petitioner: Mr. K.A. Mariappan

For RR 1 & 2 : Mrs. A. Srijayanthi
Spl. Govt. Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 and 2. Notice to the third 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 and 2, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 27 July 2015 in respect of the removal of the encroachments made in Survey No.101/1, measuring about Hec.0.13.0 (or) 27.2 feet of Thinnapalli Sudapuram Village, Hosur Taluka, Krishnagiri District which land is classified as Poramboke land and entered as "Cart Track" within a reasonable time.

3 Pointing out that the third respondent has allegedly encroached upon on the aforestated property, the petitioner addressed a representation dated 27 July 2015 to the first respondent, seeking removal of the said encroachment. Finding no response to the same, the petitioner has come up with the instant writ petition seeking the aforestated relief.

4 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we dispose of this writ petition directing the first respondent to consider and pass orders on the petitioner's representation dated 27 July 2015 on its own merits and in accordance with law, 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 third respondent, before taking any consequential action, if need be. Costs made easy.

cad

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The Tahsildar
Hosur Taluka, Hosur, Krishnagiri District.

+ 1 cc to The Govt.Pleader, Sr 12598
+ 1 cc to Mr. K.A. Mariappan, Advocate Sr 12063

KR/4/3/16

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