

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.7102 of 2016

S. Sannasi

... Petitioner

Vs.

1. The District Collector
Salem District, Salem
2. The Revenue Divisional Officer
Attur, Salem District
3. The Tahsildar,
Attur Taluk, Salem District
4. Anjalai
5. Kaliyan

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the petitioner's representation dated 15.12.2015 and consequently, remove the encroachments in the common pathway in Survey No.734/2 and 734/13, which is mentioned as lane and water tank in the Revenue record and to ensure the same for public access in the light of the second respondent's proceedings in O.Mu.Si.Pa.37/12/A3 dated 20.06.2012.

For petitioner : Mr. S. Satheeshkumar

For RR 1 to 3 : Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 to 3. Notice to respondents 4 and 5 is dispensed with at this stage, inasmuch as no order prejudicial to their 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, 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 official respondents to consider the petitioner's representation dated 15 December 2015 and consequently, remove the encroachments in the common pathway in Survey No.734/2 and 734/13, which is mentioned as lane and water tank in the Revenue record and to ensure the same for public access in the light of the second respondent's proceedings in O.Mu.Si.Pa.37/12/A3 dated 20 June 2012.

3. Pointing out that the private respondents have allegedly encroached upon the aforestated common pathway, by erecting a hut, thereby, obstructing access to the main road as well as to the petitioner's land, the petitioner addressed a representation dated 11 June 2012 to the first respondent, seeking removal of the said encroachment. The said representation was forwarded to the second respondent, viz., the Revenue Divisional Officer, Attur, who, by proceedings dated 20 June 2012, directed the third respondent, viz., the Tahsildar, Attur, to remove the encroachment in question. Since there was no action from the third respondent despite the fact that three years had rolled over since the second respondent's direction in this regard, the petitioner addressed a representation dated 15 December 2015 to the first respondent seeking removal of encroachment. Since even the said representation has not been considered, 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 15 December 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 private respondents, before taking any consequential action, if need be. Costs made easy.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

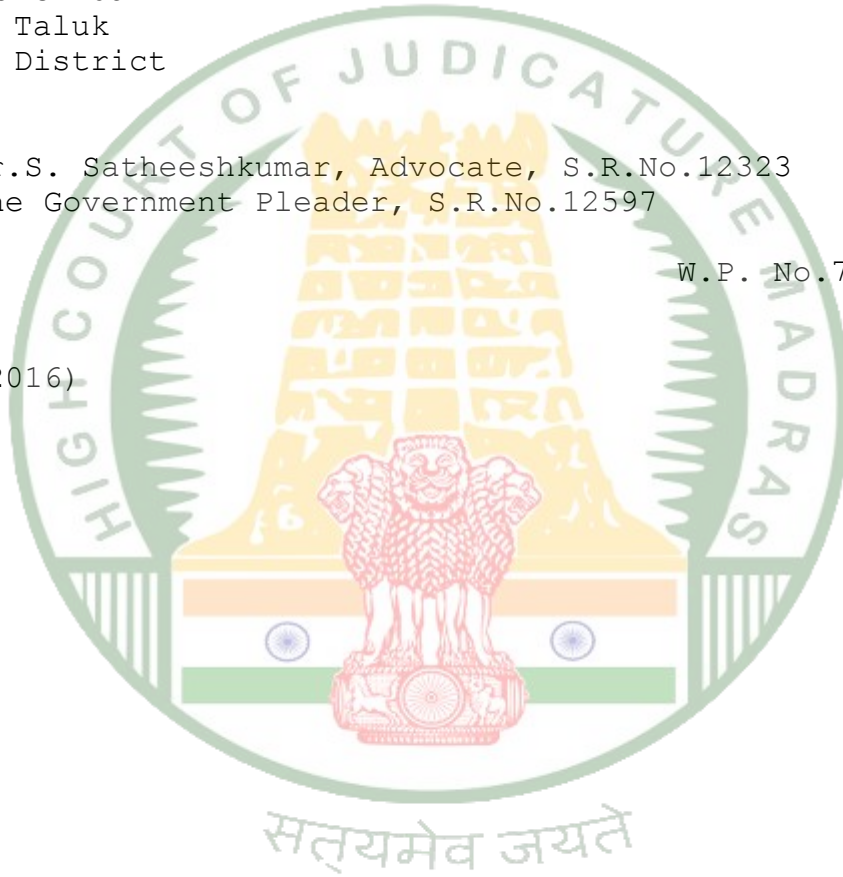
To

1. The District Collector
Salem District, Salem
2. The Revenue Divisional Officer
Attur, Salem District
3. The Tahsildar
Attur Taluk
Salem District

+lcc to Mr.S. Satheeshkumar, Advocate, S.R.No.12323
+lcc to the Government Pleader, S.R.No.12597

W.P. No.7102 of 2016

CTK(CO)
CA(08/03/2016)



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