

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM

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

W.P. No.8240 of 2016

T.Mahendiran

.. Petitioner

Vs.

1.The District Collector,  
Erode District.

2.The Tahsildar,  
Sathyamangalam,  
Erode District.

3.The Land Revenue Inspector,  
Arasur Sub Taluk,  
Sathyamangalam,  
Erode District.

4.Saroja @ Rangammal

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 to 3 to remove the encroachments caused by the 4<sup>th</sup> respondent on the cart track public road in Survey No.19, Senbagapudur Village, Sathyamangalam Taluk, based on the representations sent by the petitioner dated 27.04.2015 and 30.06.2015.

For Petitioner .. Mr.T.Nirmaleswar

For Respondents .. Mr.P.S.Sivashanmugha Sundaram,  
Spl. Govt. Pleader for R1 to R3  
R4 - No appearance

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

Mr.P.S.Sivashanmugha Sundaram, learned Special Government Pleader accepts notice on behalf of respondents 1 to 3. Despite service of notice, none appeared on behalf of the fourth

respondent. 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.

2.The petitioner, who is stated to be a resident of the area in question, noticing the encroachment made by the fourth respondent obstructing the cart track used by the public, has come up with this writ petition, seeking a direction to respondents 1 to 3 to remove the encroachment.

3.It is the case of the petitioner that the fourth respondent herein put up a thatched roof on the public road used by the villagers as cart track and also dug up three feet on the road and using it for personal purpose. Therefore, the petitioner made a representation dated 27 April 2015 to respondents 1 and 2 seeking removal of encroachment, which was forwarded by the first respondent to the second respondent, who in turn, sent a communication dated 26 May 2015, stating that notice was issued to the encroachers, as it was found that there was an encroachment. Subsequently, the petitioner made several representations on various dates. Since no action was taken by the authorities, the instant writ petition is filed.

4.Pursuant to our notice, a report is submitted by the second respondent/Tahsildar, supported by photographs, stating that the thatched roof put up by the fourth respondent obstructing the cart track has been removed on 30 March 2016. Thus nothing survives for adjudication at this stage.

5.In view of the foregoing, the writ petition stands disposed of. No costs.

-s/d-  
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,  
Erode District.
2. The Tahsildar,  
Sathyamangalam,  
Erode District.

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3. The Land Revenue Inspector,  
Arasur Sub Taluk,  
Sathyamangalam,  
Erode District.

+ 1 cc to Mr.Nirmaleswar T. Advocate, SR 21164

+ 1 cc to Govt.Pleader, High Court, Madras SR 21123

ctk(co)  
prk20/4

W.P.No.8240 of 2016



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