

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2016

CORAM:

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

W.P. No.8455 of 2016

K. Natarajan

Petitioner

Vs.

1 The District Collector
Namakkal

2 The District Revenue Officer
Namakkal

3 The Tahsildar
Rasipuram
Namakkal District

4 Chitra

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing respondents 1 and 3 to take necessary action against the petitioner's representations dated 19.09.2015 and 03.10.2015 and remove the encroachments made by the fourth respondent in public pathway in S.No.51-1/96, Alampatti Village, Rasipuram Taluk, Namakkal District.

For petitioner Mr. R. Ramesh

For RR 1 to 3 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 to 3. Notice to the fourth respondent is dispensed with at this stage, inasmuch as no order prejudicial to her 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 the official respondents, 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 respondents 1 and 3 to take necessary action on the petitioner's representations dated 19 September 2015 and 03 October 2015 and remove the encroachments made by the fourth respondent in the public pathway in S.No.51-1/96, Alampatti Village, Rasipuram Taluk, Namakkal District.

3 Pointing out the encroachments allegedly made by the fourth respondent in the public pathway, as aforesaid, the petitioner addressed a representation dated 19 September 2015 to the official respondents seeking removal of the same. Pursuant thereto, the first respondent, vide note dated 30 September 2015, directed the third respondent to take appropriate action on the petitioner's representation. On 03 October 2015, the petitioner made yet another representation to the official respondents placing the same request. Subsequently, the Revenue Tahsildar, Namakkal, directed the third respondent to take appropriate action on the petitioner's representation dated 19 September 2015, by note dated 05 October 2015. Following that, the first respondent too directed the third respondent to take appropriate action on the petitioner's second representation dated 03 October 2015. Notwithstanding the specific directions issued by the first respondent to take action on the petitioner's representations, the petitioner's representations have not been acted upon by the authorities concerned. Hence, the instant writ petition seeking the aforesaid relief.

4 Considering the limited scope of the relief sought by the petitioner and also taking into account, the specific directions issued by the first respondent in this regard, without going into the merits of the case, we direct the authorities concerned to consider and pass appropriate orders on the petitioner's representations dated 19 September 2015 and 03 October 2015 on their own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that an opportunity of hearing be afforded to the alleged encroacher, viz., the fourth respondent, before taking any consequential action, if need be.

The writ petition stands disposed of with the above direction and observation. Costs made easy.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1 The District Collector,
Namakkal.
 - 2 The District Revenue Officer,
Namakkal.
 - 3 The Tahsildar,
Rasipuram,
Namakkal District.
- +1cc to the Government Pleader Sr.15751

svi(CO)
srg(17/03/2016)

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