

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2016

CORAM:

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

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No. 8944 of 2016

Maniyakaran

Petitioner

Vs.

1 The District Collector
Krishnagiri District

2 The Tahsildar
Uthangarai Taluk
Krishnagiri District

3 The Divisional Engineer
Highways Department
Londonpet
Krishnagiri

4 The Assistant Divisional Engineer (O.M.)
Highways Department
Uthangarai
Krishnagiri District

5 Lakshmi

6 Selvam

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to remove the illegal encroachments and obstructions by respondents 5 and 6 on the pathway to the petitioner's land in State Highways poramboke land Survey No.80/1 of Samalpatti Village, Uthangarai Taluk, Krishnagiri District.

For petitioner Ms. C. Kousalya Devi
for Mr. K. Thiruvengadam

For RR 1 to 4 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 the official respondents. Notice to the private respondents is dispensed with at this stage,

inasmuch as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader, 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 to 4 to remove the illegal encroachments and obstructions made by respondents 5 and 6 on the pathway to the petitioner's land in State Highways poramboke land bearing Survey No.80/1 of Samalpatti Village, Uthangarai Taluk, Krishnagiri District.

3 Pointing out that the private respondents have encroached upon the pathway to his lands in the Highways poramboke land by putting up several hutments and they are also trying to erect a statue of a political leader therein and because of the said encroachment, the ingress and egress to his lands are obstructed, the petitioner made a representation dated 08 January 2015 to the official respondents seeking removal of those encroachments. Finding no response to his representation for more than a year, 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 direct the authorities concerned to consider and pass orders on the petitioner's representation dated 08 January 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 alleged encroachers, viz., respondents 5 and 6, before taking any consequential action, if need be.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

cad

To

1 The District Collector
Krishnagiri District

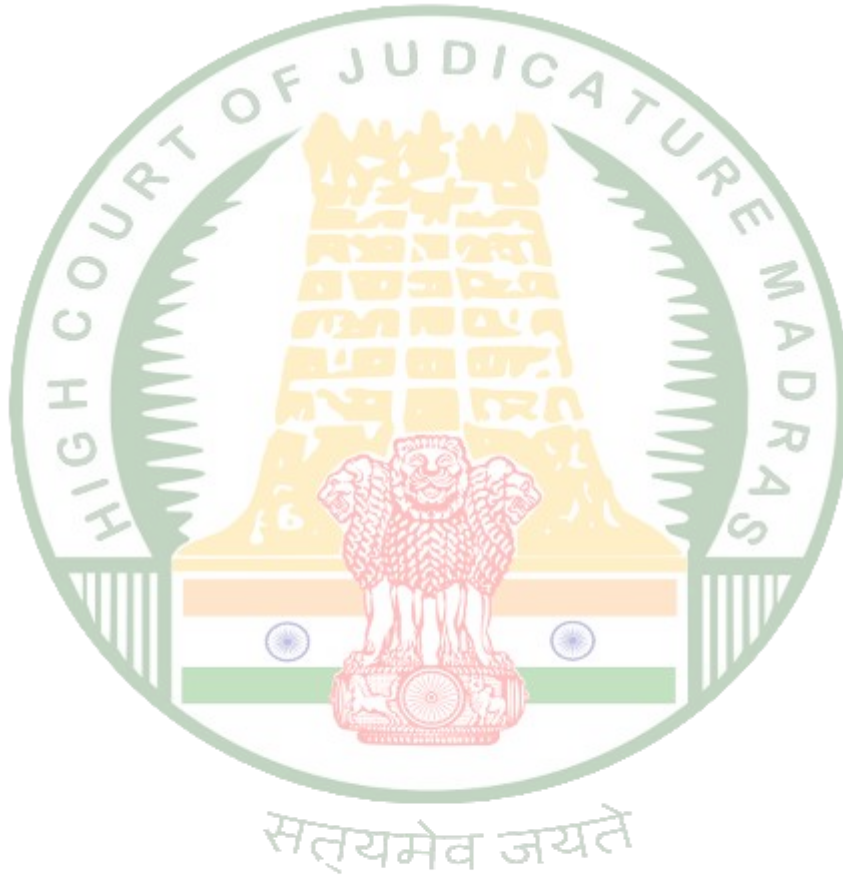
2 The Tahsildar
Uthangarai Taluk
Krishnagiri District

- 3 The Divisional Engineer
Highways Department
Londonpet
Krishnagiri
- 4 The Assistant Divisional Engineer (O.M.)
Highways Department
Uthangarai
Krishnagiri District

1 cc to Mr.K. Thiruvenkadam, Advocate, Sr. 16145
1 cc to Government Pleader, Sr. 15652

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SKV (CO)
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