



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.15385 of 2016

M.Kalimuthu

... Petitioner

-vs-

1.The Collector
The Collectorate
Tuticorin, Tuticorin District

2.The Thasildhar
Taluk Office
Ottapidaram
Tuticorin District

3.A.Raja @ Murugandi

4.A.Rajamani

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 1st and 2nd respondents to remove the encroachment made by 3rd and 4th respondents in the public street situated in Survey No.332/1 of Akkanaickanpatti Village, Ottapidaram Taluk, Tuticorin District, on the basis of the representation made by the petitioner on 18.07.2016.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.R.Karthikeyan, A.G.P., for R1 & R2

O R D E R

[Order of the Court was made by M.SATHYANARAYANAN, J.]

Mr.R.Karthikeyan, learned Additional Government Pleader, takes notice on behalf of respondents 1 and 2 and with the consent of the respondents, this writ petition is taken up for final hearing at the admission stage itself.



2. The petitioner claims to be the owner of the land in Survey No.325/3, admeasuring to an extent of 1 Acre 60 Cents, half share in the Well situated in Survey No.325/5 and right to have common pathway admeasuring 3 ½ Cents in Survey No.332/2 of Akkanaickanpatti Village, Ottapidaram Taluk, Tirunelveli District.

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3. The grievance expressed by the petitioner is that the private respondents, namely, respondents 3 and 4, had encroached upon a portion of the said pathway and consequently, during rainy season, the rain water could not drain and resulting in stagnation. In this regard, he submitted a representation, dated 18.07.2016, to the first respondent and it was forwarded to the second respondent by the office of the first respondent for appropriate action vide letter No.OA/16/10169 dated 18.7.2016 and despite receipt of the same, the second respondent has not taken any action. Hence, this writ petition.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 and 2.

5. Though the petitioner sought for a larger relief in his affidavit, without going into the grievance projected by the petitioner either in his representation, dated 18.07.2016, or in this writ petition, this Court directs the second respondent to act on the communication of the first respondent, dated 18.07.2016 vide letter No.OA/16/10169 and after putting the respondents 3 and 4 on notice, pass orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the same to the petitioner as well as to the respondents 3 and 4. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To:

1.The Collector,

The Collectorate, Tuticorin, Tuticorin District.

2.The Thasildhar,

Taluk Office,Ottapidaram,
Tuticorin District.

+1cc to Mr.B.Rajesh Saravanan, Advocate SR.No.50647/16

+1cc to special Government Pleader SR.No.50939/16

krk