



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2016

CORAM:

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

W.P. (MD) No.17467 of 2016

K.Rajendran

... Petitioner

-vs-

- 1.The District Collector
Madurai District, Madurai
- 2.The Tahsildar
Combined Taluk Office
Melur Taluk
Madurai District
- 3.The Block Development Officer
(Village Panchayat)
Melur Panchayat Union
Melur, Madurai District
- 4.Vannamparaipatti Village Panchayat
rep.by its President
Vannamparaipatti
Melur Taluk, Madurai District
- 5.Ayya @ Minor Chetti

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 to 4 to dispose the petitioner's representation, dated 22.08.2016 seeking to removal of encroachment made by the 5th respondent in the road margin between the petitioner's property bearing new S.No.95/6B2 of Vannamparaipatti Village, Melur Taluk, Madurai District and the Vannamparaipatti Village Road within a stipulated time.

For Petitioner : Mr.M.Saravanan for Mr.C.Asaitambi

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader for R1 & R2

**O R D E R**

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

Mr.V.R.Shanmuganathan, learned Special Government Pleader, takes notice on behalf of respondents 1 and 2 and Mr.Aayiram K.Selvakumar, learned Government Advocate, takes notice on behalf of respondents 3 and 4 and with the consent of both sides, this writ petition is taken up for final hearing.

2. The petitioner claims to be the owner of 12 Cents of land, comprised in R.S.No.95/6 of Vannamparaipatti Village, Melur Taluk, Madurai District, having been purchased the same under a Sale Deed, dated 27.09.1990 and registered as document No.1640 of 1990 and according to him adjacent to the said land, there is a village road and the grievance expressed by him is that the private respondent, namely, fifth respondent, has encroached upon the land between his land and the village road in the form of storing firewood etc., and consequently the petitioner could not have access to his land. In this regard, he submitted a representation, dated 22.08.2016, to the respondents 1 to 4 and despite receipt of the same, the respondents have not taken any action. Hence, this writ petition.

3. Per contra, Mr.V.R.Shanmuganathan, learned Special Government Pleader, appearing for the respondents 1 and 2 and Mr.Aayiram K.Selvakumar, learned Government Advocate, appearing for the respondents 3 and 4 would contend that the remedy open to the petitioner is to approach the competent forum and filing writ petition is not an effective and appropriate remedy.

4. This Court has carefully considered the rival submissions and perused the materials produced.

5. Though the petitioner sought for a larger relief in his affidavit, in the light of the above facts and circumstances and without going into the grievance projected by him, this Court directs the second respondent to consider and dispose of the petitioner's representation, dated 22.08.2016, in the light of G.O.(Ms) No.540, Revenue (LD6(2) Department, dated 04.12.2014, after putting the fifth respondent on notice, as expeditiously as possible and communicate the decision taken to the petitioner as well as the fifth respondent. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Records)

/True copy/



To:

- 1.The District Collector,Madurai District, Madurai.
 - 2.The Tahsildar, Combined Taluk Office, Melur Taluk,
Madurai District.
 - 3.The Block Development Officer, (Village Panchayat),
Melur Panchayat Union, Melur, Madurai District.
 - 4.The President,
Vannamparaipatti Village Panchayat,
Vannamparaipatti, Melur Taluk, Madurai District.
- +1 CC to Mr.C.ASAITHAMBI, Advocate, SR No.52469

W.P.(MD) No.17467 of 2016

krk

SH/SS-2:26.09.2016:3P/6C