



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2016

CORAM:

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

W.P (MD) .No.17778 of 2016

A.Murugan

... Petitioner

Vs

1.The District Collector,
Collectorate Office,
Pudukottai.

2.The Tashildar,
Karambakudi Taluk,
Pudukottai District.

3.The Commissioner,
Panchayat Union,
Karambakudi Taluk,
Pudukottai District.

4.The Village Administrative Officer,
Office of the Village Administrative Officer,
Mangottai, Karambakudi Taluk,
Pudukottai District.

5.The Panchayat President,
Kalabam Panchayat,
Karambakudi Taluk,
Pudukottai District.

6.Pitchai
7.Muthukumar
8.Palanivel

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing respondents Nos. 1 to 5 to remove the encroachments made by the respondent Nos.6 to 8 in public pathway (Cart Track) in Survey



No.82/3 for an extent of 0.11.0 hectares situated at Kalabam Village, Karambakudi Taluk, Pudukkottai Dist.

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For Petitioner :Mr.A.C.Asaithambi
For R.1 &2 :Mr.M.Murugan
Government Advocate

ORDER

[Order of the Court was made by

M.SATHYANARAYANAN, J.]

By consent, this Writ Petition is taken up for final disposal.

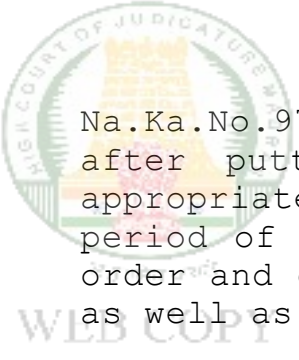
2. The petitioner claims that the land in Survey No.82/3 situated at Kalabam Village, Karambakudi Taluk, Pudukkottai District, is classified as *poramboke* land and the private respondents herein had encroached upon the said public cart track for an extent of 500 meters and thereby, the petitioner sought information under the Right to Information Act, 2005 vide his application dated 25.10.2015 and it was returned on the ground that the records sought for by him cannot be furnished. Subsequently, the petitioner has also submitted a representation to the second respondent, who vide his communication dated 12.04.2016 in Na.Ka.No.974/2016/A2 has informed the petitioner that he shall pay the prescribed fees to the local body concerned and thereafter, survey the land in question for removing the encroachment.

3. It is the submission of the learned Counsel for the petitioner that since the entire records is available with the second respondent and further, the second respondent also found that the land in S.No.82/3 is classified as cart track *poramboke*, there cannot be any impediment for the second respondent to consider his representation, in accordance with law.

4. Mr.M.Murugan, learned Government Advocate accepts notice for the respondents 1 and 2.

5. This Court heard the submissions of the parties concerned and perused the materials placed before us.

6. Though the petitioner has prayed for a larger relief
<https://hcservices.ecourts.gov.in/hcservice> Petition, without going into the merits of the case, a direction is issued to the second respondent to consider the petitioner's representation which is referred to vide



Na.Ka.No.974/2016/A2 of the second respondent dated 12.04.2016 and after putting notice to the private respondents herein, pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner as well as the private respondents.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Collectorate Office,
Pudukottai.
- 2.The Tashildar,
Karambakudi Taluk,
Pudukottai District.
- 3.The Commissioner,
Panchayat Union,
Karambakudi Taluk,
Pudukottai District.
- 4.The Village Administrative Officer,
Officer of the Village Administrative Officer,
Mangottai, Karambakudi Taluk,
Pudukottai District.
- 5.The Panchayat President,
Kalabam Panchayat,
Karambakudi Taluk,
Pudukottai District.

+1 cc to MR.A.C.ASAITHAMBI, Advocate Sr.No.53229

+1 cc to Special Government Pleader Sr.No.53965

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