



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.(MD) No.24235 of 2016

N.Vellaichamy

... Petitioner

Vs.

The District Collector,
Sivagangai District,
Sivagangai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondent to dispose the petitioner's representation dated 30.05.2016 within stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.Ayyanar Premkumar

For Respondent : Mr.S.Satheeshkumar

Additional Government Pleader

O R D E R

The prayer in the writ petition is for a writ of Mandamus to direct the respondent to dispose the petitioner's representation dated 30.05.2016 within stipulated time that may be fixed by this Court.

2.Mr.S.Satheeshkumar, Additional Government Pleader, accepts notice for the respondent. By consent of both sides, the writ petition itself is taken up for final disposal.

3.The learned counsel for the petitioner has submitted that the petitioner's property has been damaged by the officials of the respondents and therefore, to take action against them, he had given a representation on 30.05.2016. However, till date, the same has not been considered by the respondents and no orders have been passed.

4.Per Contra, the learned Additional Government Pleader appearing for the respondent would contend that already one Kalladiyan had filed writ petition before this Court in W.P.No.3657 of 2014 for taking action against the encroachment and pursuant to the orders of this Court, encroachment removal drive was undertaken by the respondent Department and therefore, the same cannot be treated as illegal act, as has been alleged herein by the petitioner through his representation. Thereafter, in fact, procedure as contemplated under the Land Encroachment Act, 1905 has also been followed by the respondents, by issuing



notice to the petitioner for alleged encroachment, even that notice issued under Section 6 of the said Act having been unsuccessfully challenged by the petitioner herein in a separate proceedings before this Court and as disgruntled person, he has come out with this present writ petition seeking a direction to the respondents to decide the vexatious representation filed by him.

5. Heard the learned counsel for the parties.

6. Since the very prayer in the writ petition is innocuous in nature, without going to the merit or counter claim, this writ petition is disposed of directing the respondents to take up the representation made by the petitioner on 30.05.2016, after affording an opportunity of hearing to both the petitioner as well as the other connected persons, who were instrumental for taking action for the alleged illegal occupation of the petitioner and others, and ultimately pass orders within a period of two months from the date of receipt of this order. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To
The District Collector,
Sivagangai District,
Sivagangai.

+1cc to Mr.S.Ayyanar Prem Kumar, Advocate in SR No.81813

W.P. (MD) No.24235 of 2016
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