

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN
W.P.No.5681 of 2017

G. Sundaramurthy

.. Petitioner

Versus

1. The District Collector
Tiruvarur
2. Asst. Director of Panchayats,
District Collectorate,
Tiruvarur.
3. Block Development Officer,
Koradacheri Panchayat Union,
Koradacheri,
Tiruvarur District.
4. Kappanamangalam Village Panchayat,
Rep. by the Special Officer,
Kappanamangalam,
Tiruvarur District. . .

Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 25.08.2016 and take appropriate action on the same within a reasonable time to be fixed by this Hon'ble Court.

For Petitioner : Mr.N.Sathyamoorthi

For Respondents : Ms. K. Bhuvaneswari, Govt.Advocate for
R1 and R2 Mr.P.Chinnadurai, Govt.Advocate
for R3 and R4

ORDER

The petitioner prays for issuing a Writ of Mandamus directing the respondents to consider his representation dated 25.08.2016 and to take appropriate action on the same within a reasonable time to be fixed by this Court.

2. The petitioner claims to be the owner of the land measuring 5 acres comprised in Survey Nos. 83/13G, 88/13H, 15B, 15C, 15D, 82/3, 81/6 and 83/1 in Kappanamangalam Village, Kodavasal Taluk, Thiruvarur District together with bamboo trees, tamarind trees and other trees which are 20 years old. While so, during August 2016, the then President of the fourth

respondent Panchayat, with his men, illegally trespassed into the land of the petitioner, cut and carried away trees worth Rs.2,50,000/- besides causing damage to the fence put up by the petitioner. In this regard, claiming compensation for the damages sustained, the petitioner has submitted a representation on 25.08.2016 to the respondents and on receipt of the same, the second respondent in his proceedings dated 06.09.2016 forwarded the representation of the petitioner to the third respondent with a direction to conduct a field inspection and to ascertain the genuineness of the claim made by the petitioner. According to the petitioner, inspite of the proceedings dated 06.09.2016 of the second respondent, the third respondent did not take any action so far, hence, the present writ petition is filed.

3. I heard the learned counsel for both sides and perused the materials placed on record. It is seen that the third respondent in his proceedings dated 06.09.2016, directed the third respondent to consider the claim made by the petitioner in his representation dated 25.08.2016 by conducting a field inspection. However, it is claimed by the petitioner that the third respondent did not take any action so far. In such view of the matter, the third respondent is directed to consider the representation dated 25.08.2016 of the petitioner in the light of the proceedings dated 06.09.2016 of the second respondent and to pass orders thereon on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector
Tiruvarur
2. Asst. Director of Panchayats,
District Collectorate,
Tiruvarur.
3. Block Development Officer,
Koradacheri Panchayat Union,
Koradacheri,
Tiruvarur District.
4. Kappanamangalam Village Panchayat,
Rep. by the Special Officer,
Kappanamangalam,
Tiruvarur District.

+ 1 cc to Government Pleader Sr.15296

+ 1 cc to Mr.N.Sathyamoorthy, Advocate SR.14957