

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.21888/2017

R.Babu Reddy

..Petitioner

Versus

1. The District Collector
Collectorate Office,
Erode District.
2. The Revenue Divisional Officer
Gobichettypalayam Taluk Office
Gobichettypalayam, Erode District.
3. The Tahsildar
Anthiyur Taluk Office, Anthiyur Taluk,
Erode District.
4. Mr.Rajamani
5. Mr.Subramani

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 28.12.2015 with regard to removal of encroachments made by the respondents 4 and 5 in Survey No.159, Vellitiruppur Village, Reddypalayam Post, Anthiyur Taluk, Erode District.

For Petitioner : Mr.D.Thirumoorthy
For R1 to 3 : Mr.P.Sanjay Gandhi, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The petitioner claims to be the owner of half share of the landed property in Re-survey No.160 and 293 of Vellitiruppur Village, Anthiyur Taluk, Erode District and nearby his lands, a cart track is located South West Poramboke Road and according to the petitioner, except the said Cart track, he has no other access to reach his lands and the adjacent land owners are using the said pathway to reach their respective lands. The grievance expressed by the petitioner is that the respondents 4 and 5 had put up a temporary compound wall by means of a stone structure and blocking it and in this regard, a representation in the form of legal notice dated 07.01.2017 was sent to the 1st respondent with a copy marked to the respondents 2 and 3 and in spite of receipt and acknowledgment, no action has been taken so far and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

3 This Court heard the submissions of the learned counsel appearing for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials placed before it.

4 Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his legal notice or in this writ petition, directs the 3rd respondent to put the respondents 4 and 5 as well as the petitioner on notice, carry out inspection of the site/land in question and thereafter, take an action 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, to the petitioner as well as to the respondents 4 and 5.

5 The writ petition stands disposed of with the above direction at the admission stage itself. No costs.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

AP

To

1. The District Collector
Collectorate Office,
Erode District.
2. The Revenue Divisional Officer
Gobichettypalayam Taluk Office
Gobichettypalayam, Erode District.
3. The Tahsildar
Anthiyur Taluk Office, Anthiyur Taluk,
Erode District.

+1cc to the Government Pleader Sr. 59325
+1cc to Mr.S.P.Arthi, Advocate Sr. 59155

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VGII(CO)
VR(05/09/2017)



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