

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2017

CORAM

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

W.P.No.22507 of 2017

S.Valarmathi

... Petitioner

Versus

1. The District Collector
District Collectorate,
Villupuram District.
2. The Revenue Divisional Officer
Revenue Divisional Office,
Kallakurichi Taluk, Villupuram District.
3. The Tahsildar
Kallakurichi Taluk,
Villupuram District.
4. The Block Development Officer
Kallakurichi Block and Taluk
Villupuram District.

5. Balamurugan

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st to 4th respondents to evict the encroachment as found in Survey No.327/6A and 327/5F of the Matura Siruvankur Mamananthal village, Kallakurichi Taluk, Villupuram District being a pathway within a time frame fixed by this Court.

For Petitioner : Mr.V.R.Kamalanathan

For RR 1 to 4 : Mr.R.Vijayakumar,
Additional Government Pleader

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

2. The petitioner submitted a representation to the 3rd respondent on 03.03.2017 alleging encroachment on the part of the 5th respondent on a public pathway situate at Road Mamandhur village Survey No.327/6A. The 3rd respondent on receipt of the same, has conducted a local inspection and sent a communication dated 26.07.2017 in Na.Ka.No.m4/4391/2017 to the 4th respondent as to the encroachment made by the 5th respondent and requested him to take appropriate action.

3. Mr.V.R.Kamalanathan, learned counsel for the petitioner would submit that despite such a communication sent by the 3rd respondent to the 4th respondent, no action has been taken against the 5th respondent for removal of the encroachment and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4. The Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the materials placed before it.

5. 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 case projected by the petitioner, directs the 4th respondent to act on the communication of the 3rd respondent dated 26.07.2017 in Na.Ka.No.m4/4391/2017 and after putting the 5th respondent on notice, shall take action in accordance with law within a period of six 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 5th respondent herein.

6. The writ petition stands disposed of subject to the above observations and direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
District Collectorate,
Villupuram District.
2. The Revenue Divisional Officer
Revenue Divisional Office,
Kallakurichi Taluk, Villupuram District.
3. The Tahsildar
Kallakurichi Taluk,
Villupuram District.
4. The Block Development Officer
Kallakurichi Block and Taluk
Villupuram District.

+lcc to Mr.V.R.Kamalanathan, Advocate, S.R.No.61419

+lcc to the Government Pleader, S.R.No.61699

W.P.No.22507 of 2017

SK(CO)
CA(11/09/2017)



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