

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.33686/2017

K.Chinnappan

.. Petitioner

Vs

1. The District Collector,
Tiruppur District.

2. The Tahsildar,
Madathukulam Taluk
Tiruppur District.

3. R.Savitha

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to take steps to remove the entire encroachments in the Channel comprised in S.No.347/1, Sankaramanallur South Village, Madathukulam Taluk, Tiruppur District by considering the representation of Sankaramanallur South Villagers dated 03.10.2017.

For Petitioner : Mr.G.Arumuga Raja

For R-1 to R-2 : Mr.M.Digvijaya Pandian, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.M.Digvijaya Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The petitioner claims that he is the owner of the agricultural land admeasuring to an extent of 5.97 acres comprised in S.No.334/1 and 345/1B of Sankaramanallur South Village, Madathukulam Taluk, Tiruppur District, through a registered Settlement Deed dated 15.09.1972 and claims to be in possession and enjoyment of the said land and he would further state that most of the residents are carrying on agricultural

activities. The petitioner would further aver that the 3rd respondent had encroached upon the portion of the channel located in Survey No.347/1 of the said village which connects the channel in S.Nos.346/2 and 356 of the same village and has also put up a Petrol Bunk and the petitioner, in this regard, has also submitted a representation dated 03.10.2017 followed by a legal notice dated 03.10.2017 and in spite of receipt and acknowledgment, no orders have

been passed so far and hence, the petitioner came forward to file the present writ petition.

3 The Court heard the submissions of the learned counsel for the petitioner and Mr.M.Digvijaya Pandian, learned Additional Government Pleader appearing for the respondents 1 and 2 and also perused the materials placed before it.

4 Though the petitioner has prayed 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 representation or in this writ petition, directs the 2nd respondent to put the 3rd respondent on notice, as to the allegations made by the petitioner and after eliciting her response, shall consider and dispose of the petitioner's representation in the form of legal notice dated 03.10.2017 in accordance with law within a period of twelve 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 3rd respondent herein.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector, Tiruppur District.
2. The Tahsildar, Madathukulam Taluk, Tiruppur District.

+1cc to Mr.Arumuga Raja, Advocate, S.R.No.92408

+1cc to the Government Pleader, S.R.No.92483

W.P.No.33686/2017

KGK(CO)

RRK(22/01/2018)