

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.33696/2017

1. S.Elumalai
2. R.Muniappan
3. Elangovan
4. Sekar

.. Petitioners

Vs

1. The District Collector,
Salem District,
Salem.
2. The District Revenue Officer,
District Collector's Office,
Salem.
3. The Revenue Divisional Officer,
Salem.
4. The Tahsildar,
Salem South, Salem.
5. Mohanasundaram
6. M.Nagarajan
7. V.Shanmugham

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus direct the 2nd respondent herein to dispose of the appeal pending on its file in Na.Ka.No.2565/2017/E1, in accordance with law within a time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.J.Ramakrishnan
For R-1 to R-4 : Mrs.M.E.Rani Selvam, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

2 The petitioners, on an earlier occasion, filed WP.No.32027/2016 praying for issuance of a writ of mandamus, directing the respondents 1 to 3 therein who are also arrayed as respondents 1, 3 and 4 herein, for removal of the encroachment made by the private respondents herein, in the Poramboke land comprised in S.Nos.17/2E, 17/2F and 17/2J admeasuring to an extent of 1.82 acres in Vembadithalam Village, Salem Taluk and District and the Hon'ble I Bench of this Court, vide order dated 14.09.2016 has disposed of the said writ petition, directing the Revenue Divisional Officer, Salem, to examine the said representation and if any unauthorised encroachments are found, directed the said official to take action in accordance with law, after notice to all concerned. The 3rd respondent, in compliance of the order has considered the representation of the petitioners and vide communication dated 28.12.2016, in Na.Ka.No.5699/2016/A3, has rejected the petitioners' representation and challenging the same, the petitioners had filed an appeal before the 2nd respondent vide Appeal Memorandum dated 09.06.2017 and it was also entertained and notice was also issued, calling upon the petitioner to attend the enquiry on 16.06.2017 and the petitioners had also attended the enquiry. The grievance expressed by the petitioners is that from June 2017 onwards, no progress is taking place and in the interregnum, taking advantage of the same, the private respondents have started putting up the construction and therefore, the petitioners came forward to file the present writ petition.

3 Mr.J.Ramakrishnan, learned counsel for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that though the appeal was submitted before the 2nd respondent as early as on 09.06.2017 and that notice of enquiry was also issued and that the petitioners had also appeared and submitted the documents, no subsequent date of hearing has been fixed and taking advantage of the same, the private respondents are attempting to put up the superstructure and hence, the petitioners are constrained to approach this Court by filing the present writ petition.

4 The Court heard the submissions of Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents 1 to 4 and also perused the materials placed before this Court.

5 Though the petitioners pray 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 petitioners in the Appeal Memorandum dated 09.06.2017 and also considering the limited scope of the prayer sought for by them in this writ petition, directs the 2nd respondent to put the petitioners as well as the respondents 5 to 7 on notice and thereafter, consider and dispose of the petitioners' Appeal Memorandum dated 09.06.2017 in Na.Ka.No.2565/2017/E1 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as to the respondents 5 to 7.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

AP
To

1. The District Collector,
Salem District,
Salem.
2. The District Revenue Officer,
District Collector's Office,
Salem.
3. The Revenue Divisional Officer,
Salem.
4. The Tahsildar,
Salem South, Salem.

+1 CC to Mr.P. Sivakumar, advocate sr 91942.
+1 CC to Govt. Pleader sr 92482.

W.P.No.33696/2017

SP(09/01/2018)