

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.24008/2017

A.Krishnan

.. Petitioner

Versus

1.The District Collector
District Collectorate
Villupuram District.

2.The Revenue Divisional Officer
Revenue Divisional Office
Kallakurichi and Taluk
Villupuram District.

3.The Tahsildar
Chinnasalem & Taluk
Villupuram District.

4.The Block Development Officer
Chinnasalem & Taluk
Villupuram District.

5.Sevathan

.. 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 4 to evict the encroachment as found in Survey No.337, of the Vadakkanandal Village, Chinnasalem Taluk, Villupuram District being a pathway within a time frame to be fixed by this Court.

For Petitioner : Mr.V.R.Kamalanathan

For R1 to R4 : Mr.R.Vijayakumar, AGP

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 claims that he is owning agricultural lands admeasuring to an extent of 4 acres comprised in S.Nos.342/1 to 6 and 343/1A, Vadakkanandal Village, Chinnasalem Taluk, Villupuram District and carrying on agricultural activities. The petitioner would aver that adjacent to his lands, there is a cart track and the bund of the water channel comprised in Survey No.337 of the same village and it is classified as "Poramboke" and it is used by the petitioner and other neighbouring land owners to transport the agricultural produce harvested in their lands. The grievance expressed by the petitioner is that the 5th respondent taking law in his own hands, slowly started levelling the said cart track and started annexing that with his lands and in this regard, the petitioner has submitted a detailed representation dated 15.05.2017 followed by another representation dated 05.06.2017 to the 2nd respondent and in spite of receipt and acknowledgment, so far no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 Heard the submissions of Mr.R.Dhanram, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, appearing for the respondents 1 to 4.

4 This Court, taking into consideration the facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representations or in this writ petition, directs the 2nd respondent to forward the petitioner's representation dated 05.06.2017 to the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order and the 3rd respondent, upon receipt of the same, is directed to put the 5th respondent on notice and thereafter, shall consider and dispose of the said representation on merits and in accordance with law and pass appropriate orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the 5th respondent.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
District Collector
Villupuram District.
 - 2.The Revenue Divisional Officer
Revenue Divisional Office
Kallakurichi and Taluk
Villupuram District.
 - 3.The Tahsildar
Chinnasalem & Taluk
Villupuram District.
 - 4.The Block Development Officer
Chinnasalem & Taluk
Villupuram District.
- +1cc to Government Pleader sr.65407
+1cc to Mr.V.R.Kamalanathan, Advocate sr.64373

सत्यमेव जयते

WP.No.24008/2017

msm(co)
ss(27/9/2017)

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