

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.24433/2017

S.Thirunavukkarasu

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Petitioner

Versus

1.The District Collector
Cuddalore District, Cuddalore.

2.The Revenue Divisional Officer
Chidambaram, Cuddalore.

3.The Tahsildar
Kattumannarkoil Taluk
Cuddalore.

4.Sivakani

5.Thirumalai

..

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 3rd respondent to remove the encroachment made by the respondents 4 and 5 in Riverbank Street, Kandamangalam village, Kattumannarkoil Taluk, Cuddalore and

further to take action against the respondents 4 and 5 for their illegal encroachment in the public street.

For Petitioner : Mr.G.Pugazhenth

For R1 to R3 : Mr.A.N.Thambidurai, Spl.GP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 According to the petitioner, in the village of Kandamangalam, a public street is located in SF.No.43, having a breadth of about 10 feet, stretching from North to South of the said village and as per the Certificate dated 07.08.2017 issued by the Village Administrative Officer of Chettythangal, Kattumannarkoil Taluk, the said pathway extends from Northern side of S.No.42, Sub-Division 14D to 17 and S.No.41, Sub-Division 16 to 2B2 and on the Southern side, it extends from S.No.38 Sub-Division 6A to 17A and S.No.44, Sub-Division 1A1 to 6A2. The grievance expressed by the petitioner is that he used to quarry sand/earth from the

river bank for use of the same for agricultural operations and he is using a tractor for that purpose and however, the private respondents had put up a stone bar on the public street and thereby, preventing the petitioner from using the tractor for the said purpose and in this regard, he has submitted a representation dated 10.08.2017 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 and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner, on instructions, would submit that the petitioner is quarrying the sand / earth from the river bank purely for his own agricultural operation and he is not indulging in any illegal quarrying or transportation of the same. The said submission, on instructions, is placed on record.

4 This Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials placed before it.

5 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 same, permits the petitioner to submit one more representation to the 3rd respondent along with a copy of this order as well as a copy of his earlier representation dated 10.08.2017 within a period of one week from the date of receipt of a copy of this order and the 3rd respondent, upon receipt of the same, shall verify whether the act on the part of the petitioner in quarrying and transporting the sand / earth from the river bank, is legal/authorised one and after satisfying the same, put the respondents 4 and 5 on notice and give a disposal of the petitioner's representation on merits and in accordance with law and pass appropriate orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondents 4 and 5.

6 The writ petition stands disposed of with the above direction.

No costs.

सत्यमेव जयते

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[M.S.N., J.] [N.S.S., J.]
12.09.2017

Internet : Yes

AP

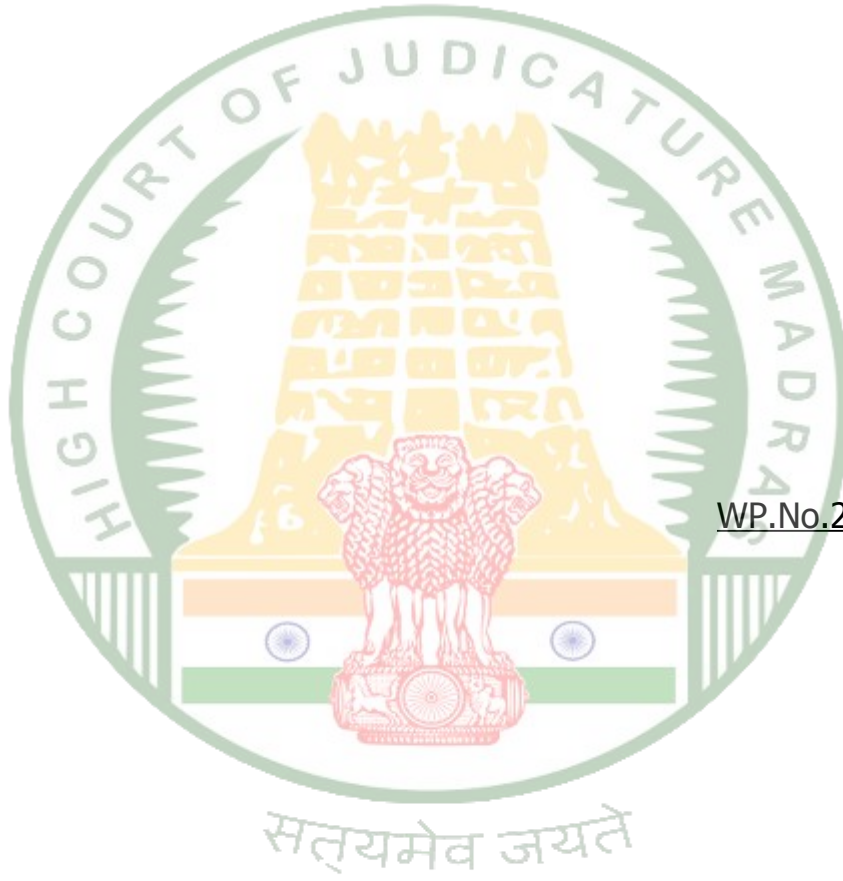
To

- 1.The District Collector
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- 3.The Tahsildar
Kattumannarkoil Taluk
Cuddalore.



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AND
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