

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.07.2017

CORAM:

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

W.P.No.16569/2017

Balasubramani

.. Petitioner

Vs

1. The District Collector
Salem District, Salem.
2. The Tahsildar
Edappadi Taluk, Edappadi
Salem District.
- 3.Mahendran
- 4.Ramasamy
- 5.Sarasu
- 6.Palaniappan
- 7.Perumal
- 8.Kaliyappan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st and 2nd respondents to remove the encroachments in Survey Nos.205, 206 and 208 of Adaiyur Village, Edappadi Taluk, Salem District within a time frame.

For Petitioner : Mr.C.Munusamy

For RR 1 & 2 : Mr.C.Jagadish, 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.C.Jagadish, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The learned counsel for the petitioner would submit that the grandfather of the petitioner, viz., Sandhana Gounder, was issued with Patta No.390, in respect of the following extend of lands:-

Survey Nos.	Extent of Lands in		
	Hec.	-	Ares
247	0	-	5.50
248	0	-	3.50
248	0	-	38.50
248	0	-	7.00

situate at Pakkanadu Village, Edappadi Taluk, Salem District and he would further submit tht the private respondents, viz., respondents 3 to 8, have started putting up constructions in the water course and some of them had also converted the water stream into agricultural lands and in that event, the petitioner's cultivation is likely to be affected. It is the further submission of the learned counsel for the petitioner that the petitioner, in this regard, has also submitted a representation dated 17.04.2017 to the respondents 1 and 2 as well as to the Revenue Divisional Officer, Sangagiri and in spite of receipt and acknowledgment, the petitioner is yet to be favoured with any kind of response and hence, the petitioner came forward to file the present writ petition.

3 Per contra, Mr.C.Jagadish, learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the representation of the petitioner will be considered and disposed of by the 2nd respondent in accordance with law at an early date.

4 This Court has considered the rival submissions and also 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 claim projected by the petitioner either in his representation or in this writ petition, directs the 2nd respondent to put the respondents 3 to 8 on notice and thereafter, consider and dispose of the petitioner's representation dated 17.04.2017 on merits and in accordance with law and pass appropriate orders within a period of ten 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 private respondents, viz., respondents 3 to 8 herein.

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

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

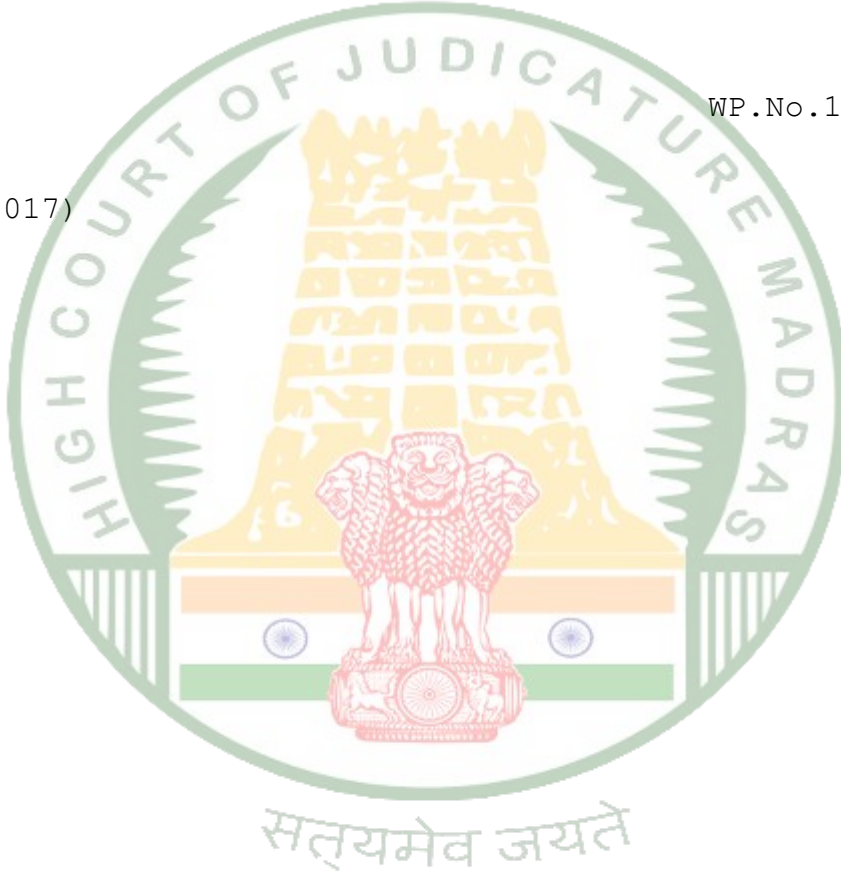
To

1. The District Collector
Salem District, Salem.
2. The Tahsildar
Edappadi Taluk, Edappadi
Salem District.

+1 CC to Mr.C. Munusamy, Advocate sr 45984
+1 CC to The Govt. Pleader sr 46586

WP.No.16569/2017

BR(CO)
sp(19/07/2017)



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