

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.07.2017

CORAM:

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

W.P.No.16989 of 2017

Mani .. Petitioner

Vs

1. The Tahsildar,  
Taluk Office,  
Pethanaickenpalayam Taluk,  
Pethanaickenpalauam - 636 109  
Salem.

2. Ganesan ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent herein to pass orders on the petitioner's representation dated 22.11.2016 and to take action against the 2<sup>nd</sup> respondent in terms of paragraph 2 (ii) of G.O.Ms.540 Revenue [LD6 [2]] Department dated 04.12.2014.

For Petitioner : M/s.Zeenath Begum

For Respondents : Mr.M.Elumalai,  
Government Advocate for R1

ORDER

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

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims to be the owner of 0.87 cents in Survey No.170/8B situated at West Rajapalayam Village by means of a Sale Deed executed during the year 1993. The grievance expressed by the petitioner is that in water course in Survey No.170/8B, one Mr.Ganesan - the 2<sup>nd</sup> respondent herein, who is the owner of the land in Survey No.169, has encroached upon the water body and enjoying the same and in that event, he cannot do agricultural operation in the said land and in this regard the petitioner submitted a

representation dated 22.11.2016 to the 1<sup>st</sup> respondent and though it was received and acknowledged he is yet to be favoured with any kind of response and in the interregnum, the 2<sup>nd</sup> respondent continue to indulge the said illegal activity and therefore prays for appropriate orders.

3. This Court heard the submission of the learned counsel appearing for the petitioner and Mr.M.Elumalai, the learned Government Advocate accepting notice on behalf of 1<sup>st</sup> respondent.

4. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, direct the 1<sup>st</sup> respondent to put the 2<sup>nd</sup> respondent on notice and thereafter, shall consider and dispose of the petitioner representation dated 22.11.2016 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of copy of this order and also communicate the decision to the petitioner as well as the 2<sup>nd</sup> respondent.

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

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rka

To

The Tahsildar,  
Taluk Office,  
Pethanaickenpalayam Taluk,  
Pethanaickenpalauam - 636 109.

+1cc to Government Pleader SR.No.49101  
+1cc to MR.Zeenath Begum, Advocate SR.48752

WP.No.16989/2017

SSI (CO)  
GN(04/08/2017)