

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.17504/2017 & WMP/No.19001/2017

N.Venkatesan .. Petitioner

Vs

1.The District Collector
Collectorate, Vellore District.

2.The Sub Divisional Magistrate-cum-Sub Collector
Thiruppathur, Vellore District.

3.The Tahsildar
O/o.The Tahsildar, Thiruppathur.

4.The Deputy Zonal Tahsildar
Thiruppathur.

5.The Inspector of Police
Jolarpettai Police Station
Vellore District.

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6.Viswanathan

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 3 to 5 herein to remove the encroachment made by the 6th respondent herein and his family members in the common passage lane comprised in Survey No.461/1, 461/17, 461/18, 461/8, Karupparur Village, Thirupathur Taluk, Vellore District, within a stipulated time frame.

For Petitioner : Mr.D.Ravichander

For RR 1 to 5 : Mr.M.Elumalai, GA

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.M.Elumalai, learned Government Advocate accepts notice on behalf of the respondents 1 to 5.

2 The petitioner in the affidavit filed in support of this writ petition would aver among other things, that the property comprised in S.No.461/3, Karupparur Village, Thiruppathur Taluk, Vellore District, belongs to him and he is having access to the said property through a common passage comprised in Survey No.461/1, 17, 18 and 8 and

besides the petitioner, general public residing in the said area, are also having access to their respective properties through the said passage. The petitioner would further aver that the 6th respondent and his family members, whose property lies adjacent to the above said common passage, had encroached upon the same and in this regard, the petitioner has given a complaint in the form of representation and since no action was taken, he filed WP.No.40265/2016 and the Hon'ble First Bench of this Court, vide order dated 16.11.2016 has directed the Tahsildar, Thiruppathur, to proceed in accordance with law after notice to all concerned, for removal of encroachment, if any and the Inspector of Police, Jolarpettai Police Station, Vellore District, was directed to give assistance, if sought for and also stipulated the time frame to complete the said exercise. Accordingly, the 3rd respondent herein, had proceeded against the 6th respondent under the provisions of the Tamil Nadu Land Encroachment Act, 1905, and challenging the legality of the same, the 6th respondent has filed WP.No.8671/2017, the Hon'ble First Bench of this Court, had disposed of the said writ petition on 11.04.2017, granted liberty to the writ petitioner therein / 6th respondent herein to respond to section 7 notice issued under the provisions of the Tamil Nadu Land Encroachment Act, 1905, and thereafter, directed the respondent concerned to consider and dispose

of the same in accordance with law. The grievance now expressed by the petitioner is that despite initiation of action under the provisions of the Tamil Nadu Land Encroachment Act, no progress is taking place and in this regard, he has also submitted a representation dated 06.06.2017 to the respondents 1 to 5 and in spite of receipt and acknowledgment, no action is being taken and hence, the petitioner came forward to file the present writ petition.

3 Heard, the learned counsel appearing for the petitioner and Mr.M.Elumalai, learned Government Advocate appearing for the respondents 1 to 5.

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 claim projected by the petitioner, either in his representation or in this writ petition, directs the 3rd respondent - Tahsildar, to take note of the orders dated 16.11.2016 and 11.04.2017 made in WP.Nos.40265/2016 and 8671/2017 respectively and after putting the 6th respondent on notice, shall consider and dispose of the petitioner's representation dated 06.06.2017 on merits and in accordance with law and pass 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 6th respondent herein.

5 The writ petition stands disposed of with the above direction at the admission stage itself. Consequently, the connected miscellaneous petition is closed. No costs.

[M.S.N., J.] [N.S.S., J]
11.07.2017

Index : : No
Internet : : Yes

AP
To

1.The District Collector
Collectorate, Tiruvallur District,
Tiruvallur.

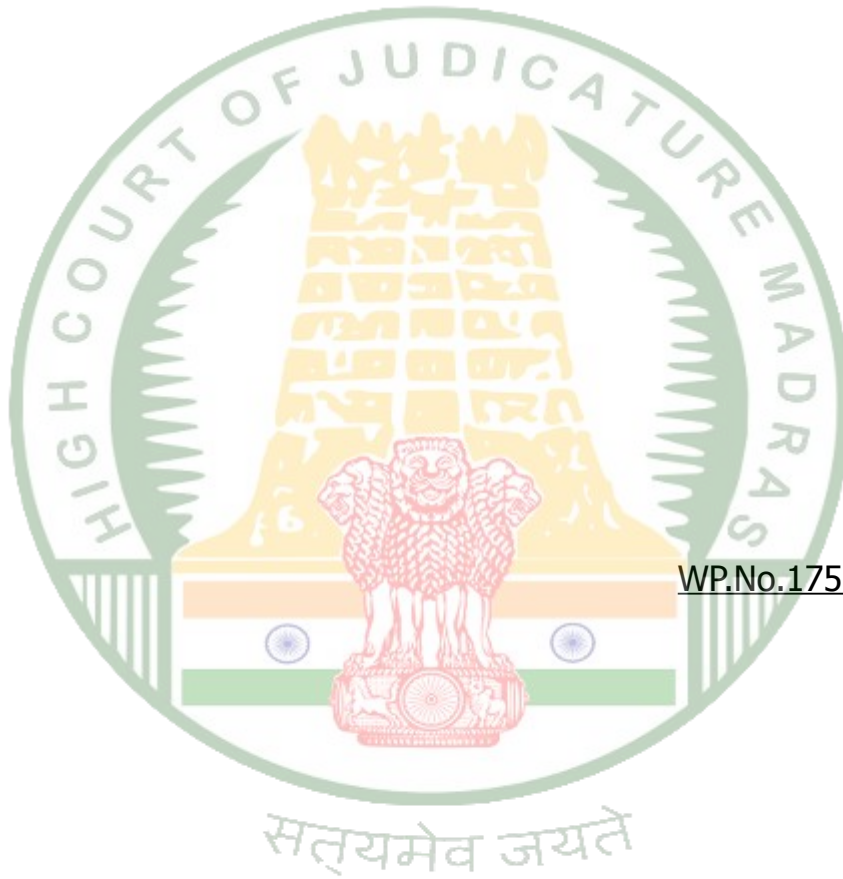
2.The Revenue Divisional Officer
Revenue Divisional Office,
Tiruvallur.

3.The Tahsildar
Taluk Office, Avadi.

4.The Tahsildar
Taluk Office, Ambattur
Tiruvallur District.

5.The Commissioner
Avadi Municipality
Avadi, Tiruvallur District.

M.SATHYANARAYANAN, J.,
AND
N.SESHASAYEE, J.,
AP



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