

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.18006/2017

R.Senthil Kumar

.. Petitioner

Vs

1.The District Collector
Collectorate, Perambalur District.

2.The District Revenue Officer
Collectorate, Perambalur District.

3.The Revenue Divisional Officer
Perambalur District.

4.The Tahsildar
Vapenthattai Taluk and Post
Perambalur District.

5.Papu @ Papammal

6.Servasavaran

7.Ravi

.. 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 herein to consider the representation dated 04.04.2017 and 16.06.2017 submitted by the petitioner in the light of

G.O.Ms.No.540, Revenue [LD-6[2]] Department, dated 04.12.2014 and to remove the encroachment made by the respondent No.5 to 7 in Survey No.212/2 Udumbiyam Village, Vepenthattai Taluk, Perambalur District within a time frame to be fixed by this Court.

For Petitioner : Mr.A.Rajakumar
For RR 1 to 4 : 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 his father Raja Gounder, along with the petitioner who was a minor at the relevant point of time, had purchased lands admeasuring to an extent of 8 acres 12 cents in S.No.216/2 [Patta No.48], along with an old 5 Horse Power motor pumpset with service connection and also land admeasuring to an extent of 2.64 acres in S.No.217/2 along with a Mamool pathway through a registered Sale Deed bearing Doc.No.297/1980 dated 15.03.1980 and after the demise of his father, the petitioner succeeded to the estate and remains in possession of the property.

that in the "A" Register, the land in Survey No.212/2 is shown as "pathway" [khK:y; eilghij] and the private respondents, viz., respondents 5 to 7, have no rights whatsoever and are obstructing the use of the same and in this regard, submitted a representation dated 04.04.2017 to the respondents 1 to 4 and though it was received and acknowledged, he is yet to be favoured with any kind of response and taking advantage of the same, the respondents 5 to 7 are continuing to interfere with his right to the said pathway and therefore, the petitioner is constrained to approach this Court, by filing the present writ petition.

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

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 4th respondent to put the respondents 5 to 7 on notice and thereafter, shall consider and dispose of the petitioner's representation dated 04.04.2017 on merits and in accordance with law within a period of twelve weeks from the

M.SATHYANARAYANAN, J.,

AND

N.SESHASAYEE, J.,

AP

date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 5 to 7.

5 The writ petition stands disposed of at the admission stage itself with the above direction. No costs.

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

[N.S.S., J]

17.07.2017

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To

No
Yes

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