

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.11.2017
CORAM
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE
W.P.No.28194/2017

R. Kannan

... Petitioner

vs

1 The District Collector,
Tiruppur District, Tiruppur.

2 The Tahsildar,
Udumalpet Taluk, Udumalpet,
Tiruppur District.

3 The Commissioner,
Udumalpet Municipality, Udumalpet,
Tiruppur District.

4 Vijayakumar

5 The Superintending Engineer,
TANGEDCO, TNEB, Tiruppur Road,
Eripalayam, Udumalpet Taluk,
Tiruppur District.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus order or direction in the nature of a writ, directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in Odai Promboke land situated in S.Nos.121/B and 125/B, Udumalpet Municipality Limit, Udumalpet, Tiruppur District.

For Petitioner : Mr.C.Prakasam
For R1 & R2 : Mr.M.Digvijay Pandian, AGP
For R3 : Mr.Thambusamy
For R5 : Mr.P.R.Dhilipkumar

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.M.Digvijay Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2 ; Mr.Thambusamy, learned standing counsel accepts notice on behalf of the 3rd respondent and Mr.P.R.Dhilipkumar, learned standing counsel accepts notice on behalf of the 5th respondent.

2 The petitioner is a resident of Ganesapuram, SVS Mills Post, Udumalpet Taluk, Tiruppur District and according to him, the lands in Survey Nos. 121/B and 125/B in the said locality are classified as "Odai Poramboke" and it belong to the third respondent. The petitioner, on an earlier occasion, alleging encroachment on the part of the 4th respondent, in respect of the lands in question, filed WP.No.24522/2005, praying for issuance of a writ of mandamus, directing the official respondents to remove the encroachment made by the 4th respondent and this Court, vide order dated 01.08.2005, has directed the first respondent herein to consider and dispose of the petitioner's representation dated 23.07.2005 on merits and in accordance with law, within the stipulated time and in compliance of the same, the second respondent has removed the encroachment on 10.10.2005 informed the same to the petitioner vide Memo dated 14.10.2005 in Na.Ka.No11435/2005-A5. The grievance expressed by the petitioner is that once again, the fourth respondent had encroached upon the said lands and in this regard, the petitioner as submitted a representation dated 19.05.2017 to the respondents and in response to the same, the office of the first respondent vide Memorandum dated 25.05.2017 in O.Mu.8783/2017/A3, has directed the respondents 2 and 3 to take appropriate action and to submit a report to them and though, nearly six months had elapsed, no action has been taken to remove the encroachment removed made by the 4th respondent and therefore, the petitioner came forward to file the present writ petition.

3 The Court heard the submissions of the learned counsel for the petitioner ; Mr.M.Digvijay Pandian, learned Additional Government Pleader appearing for the respondents 1 and 2 ; Mr.Thambusamy, learned Standing counsel appearing for the 3rd respondent and Mr.P.R.Dhilipkumar, learned Standing counsel appearing for the 5th respondent and also perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 3 and 4 to comply with the Memorandum of the 1st respondent on 25.05.2017 (cited Supra) and after putting the 4th respondent on notice, shall take appropriate action on merits in accordance with law within a period of eight 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 4th respondent herein.

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

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

rpl

To

1 The District Collector,
Tirupppur District, Tiruppur.

2 The Tahsildar,
Udumalpet Taluk, Udumalpet,
Tiruppur District.

3 The Commissioner,
Udumalpet Municipality, Udumalpet,
Tiruppur District.

4 The Superintending Engineer,
TANGEDCO, TNEB, Tiruppur Road,
Eripalayam, Udumalpet Taluk,
Tiruppur District.

+1 cc to M/s.C.Prakasam Advocate sr 78802

+1 cc to M/s.A.S.Thambuswamy Advocate sr 78621

+1 cc to Govt Pleader sr 78586

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