

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:08.11.2017
CORAM
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE
W.P.No.28451/2017

P.Murugan

... Petitioner

vs

1 The District Collector
Krishnagiri District.

2 The Tahsildar
Uthangarai Taluk
Krishnagiri District.

3 Ganesan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 to take necessary action to remove illegal encroachment by the 3rd respondent in Government Poramboke pathway in Survey No.48/1, 49/3, Naralapalli Village, Uthangarai Taluk, Krishnagiri District.

For Petitioner : Mr.K.Thiruvengadam

For RR 1 & 2 : Mr.M.Digvijay Pandian, AGP

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.

2 The petitioner, in the affidavit filed in support of this writ petition would aver among other things that he is having agricultural lands comprised in Survey Nos.35/5, 43/5, 42/4, 49/4A and 50/3 admeasuring to an extent of 2.76.50 Hectares at Naralapalli Revenue Village, Uthangarai Taluk, Krishnagiri District and he is also having a Farm House, in which, he and his family members are residing for more than 50 years. It is the specific case of the petitioner that to reach the main road from his house, a pathway in Survey Nos.48/1 and 49/3, which is classified as "Government Poramboke" as per the Village Accounts/"A" Register, is there and except the said pathway, he has no other alternate pathway to reach the main road.

3 The grievance expressed by the petitioner is that the 3rd respondent has started encroaching upon the said pathway and immediately, the petitioner has submitted a representation dated 08.02.2017 to the 1st respondent and the office of the 1st respondent, in turn, has sent a Memo dated 16.02.2017 in O.Mu.3745/2016/H3 to the 2nd respondent to consider the said representation and take action in terms of G.O.Ms.No.540, Revenue [LD-6[2]] Department, dated 04.12.2014 and inform the decision taken to the petitioner as well as to their office.

4 The learned counsel appearing for the petitioner would submit that though the said communication has been sent to the 2nd respondent as early as on 16.02.2017, no action, whatsoever, has been taken so far and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

5 The Court heard the submission of Mr.M.Digvijay Pandian, learned Additional Government Pleader appearing for the respondents 1 and 2 and also perused the materials placed before it.

6 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 act on the above cited Memo dated 16.02.2017 sent by the Collectorate/1st respondent and after putting the 3rd respondent on notice, shall take action 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 3rd respondent herein.

7 The writ petition stands disposed of with the above direction. No costs. सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1 The District Collector
Krishnagiri District.
- 2 The Tahsildar
Uthangarai Taluk
Krishnagiri District.

+1CC TO M/S.K.THIRUVENGADAM, ADVOCATE SR.NO.79195

WP.No.28451/2017

RSI (CO)
SM:4.12.2017



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