

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.18710/2017

M.Gulamrasheeth

.. Petitioner

Vs

1.The District Collector,
Collectorate,
Salem District.

2.The District Revenue Officer,
Collectorate, Salem District.

3.The Revenue Divisional Officer,
Attur Taluk & Post,
Salem District.

4. The Tahsildar,
Pethanaickenpalayam Taluk,
Salem District.

5. Raman S/o.Chinnanatan

6. Sattu S/o.Mangakondiyan

7. Ramasamy S/o.Periyappan

8. Thangavel S/o.Ramasamy

9. Ramanathan S/o.Chandran

.. 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 10.04.2017 and 23.05.2017 submitted by the petitioner in the light of G.O.Ms.540 Revenue (LD6(2)) Department dated 04.12.2014 and to remove the encroachment made by the respondent No.5 to 9 in Old S.No.243 and New S.No.343 Malayampattai Village, Pethanaickenpalayam Taluk, Salem District.

For Petitioner : Mr.A.Rajakumar

For RR 1 to 4 : Mr.A.N.Thambidurai
Special Government Pleader

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 4.

2 The petitioner claims that he is owning a certain extent of land in S.No.235/2 which is situated in Malayampattai Village, Pethanaickenpalayam Taluk, Salem District by way of Partition Deed dated 04.03.1994 and according to him, a pathway is located in the old S.No.243 and New S.No.343 of the same village and the revenue records would also indicate about the existence of the said property.

3 The grievance expressed by the petitioner is that the respondents 5 to 9 had encroached upon the said pathway and thereby, preventing the access and in this regard, the petitioner submitted a representation dated 10.04.2017 followed by a reminder dated 23.05.2017 to the respondents and in spite of receipt of acknowledgment, he is yet to be favoured with any kind of response and no action has been taken and hence, came forward to file this writ petition.

4 This Court heard the submissions of learned counsel appearing for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 4 and also perused the materials placed before it.

5 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, directs the 4th respondent to put the respondents 5 to 9 on notice and thereafter, consider and dispose of the petitioner's representations dated 10.04.2017 and 23.05.2017 respectively on merits and in accordance with law and pass appropriate orders within a period of ten weeks from

the date of receipt of copy of this order and thereafter communicate the decision taken, to the petitioner as well as to the respondents 5 to 9 herein.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.N., J.,] [N.S.S., J]
24.07.2017

Index : : No
Internet : : Yes
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To

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M.SATHYANARAYANAN, J.,
AND
N.SESHASAYEE, J.,
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WP.No.18710/2017

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