

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.19403/2017

M.Senthilkumar

.. Petitioner

Vs

1. The District Collector,
District Collectorate
Erode District.
2. The Sub Collector
O/o.The Sub Collector
Gobichettipalayam
Erode District.
3. The Tahsildar
Bhavani Taluk, Erode District.
- 4.S.L.Palanisamy
- 5.S.L.Subramani

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 3rd respondent to implement the orders made in Na.Ka.No.12933/2017/Oo2 dated 12.05.2017 on the file of the 1st respondent and the orders made in Na.Ka.No.6/2017/A1 dated 05.05.2017 on the file of the 2nd respondent and to take appropriate action expeditiously in respect of removal of the encroachments in accordance with law within a time frame.

For Petitioner : Mr.C.E.Prathap
For RR 1 to 3 : Mr.A.N.Thambidurai, Spl.GP

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 3.

2 The petitioner would state that he is in possession of the agricultural lands comprised in Survey Nos.515/11, 516/15, 551/10 and 551/11 situate at Semboothampalayam, Periya Puliyur Village, Bhavani Taluk, Erode District, and is cultivating crops. It is further stated by the petitioner that there is a water body [pond] known as "Semboothampalayam Kuttai" located in RS.Nos.504/3, 505/2, 506/3, 507/2, 507/3 and 510/2 and it is a potential source of storing water in rainy seasons and the entire villagers are using the water from the said pond and it is the water source for agricultural activities. The grievance expressed by the petitioner is that the respondents 4 and 5 had encroached upon a portion of the lands in RS.Nos.501/1, 505/2, 505/3 and 506/3 and started putting up constructions and the said fact was also brought to the knowledge of the authorities concerned. The office of the District Collector, Erode, vide Memo dated 12.05.2017 in Na.Ka.No.12933/2017/Oo2 has directed the 3rd respondent herein to look into the complaint and conduct an enquiry and inform the result of the decision to the petitioner and in spite of it, the 3rd respondent is yet to take any action and therefore, came forward to file the present writ petition.

3 Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 would submit that appropriate direction may be given to the 3rd respondent to comply with the Memo dated 12.05.2017 issued by the 1st respondent.

4 This Court has considered the rival submissions 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, either in his representation or in this writ petition, directs the 3rd respondent to act on the communication of the office of the 1st respondent in Memo dated 12.05.2017 in Na.Ka.No.12933/2017/Oo2 and after putting the respondents 4 and 5 on notice, shall pass appropriate orders on merits and in accordance with law 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 and to the respondents 4 and 5 herein.

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

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

AP

To

1. The District Collector,
District Collectorate
Erode District.
2. The Sub Collector
O/o.The Sub Collector
Gobichettipalayam
Erode District.
3. The Tahsildar
Bhavani Taluk, Erode District.

+1cc to Mr.C.E.Pratap, Advocate Sr. 54134
+1cc to the Government Pleader Sr. 54415

WP.No.19403/2017

NM(CO)
VR(30/8/2017)

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