

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2017

CORAM :

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.21929 of 2016

B.Shanthy

... Petitioner

vs.

1. The Chief Engineer
Public Works Department,
Puducherry.

2. The Executive Engineer
Irrigation Division,
Public Works Department,
Puducherry.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the first and second respondents to consider the representation given by the petitioner dated 26.05.2016 within a time limit fixed by this Court.

For petitioner : Mr.R.Udhayakumar

For respondents: Mr.C.T.Ramesh
AGP (Puducherry)

O R D E R

This writ petition has been filed by Shanthi, w/o. Bhuwaneswaran, seeking a writ of mandamus directing the respondents 1 and 2 to consider the representation given by the petitioner, dated 26.05.2016 within the time limit.

2. The claim of the petitioner is that she is the absolute owner of the property covered in S.No.295/1 situated at Saaram Revenue Village, Puducherry. While so, the second respondent without acquiring the land has encroached into the petitioner's land and started making construction of the drainage channel. Immediately thereafter, the petitioner made a detailed representation, dated 31.08.2006 to the Assistant Engineer, Irrigation Division, Public Works Department, Puducherry. Subsequently, a survey was conducted by the second respondent in the presence of the petitioner and the Assistant Engineer, Irrigation Division, PWD on 09.01.2008. Based on the information provided by the Survey Department, again a detailed representation was given by the petitioner on 01.02.2008 for exchange of land adjacent to the patta land of the petitioner where the second respondent had put up the irrigation channel.

3. Since nothing turn out positively, one another reminder was given on 20.05.2015 followed by issuance of legal notice on 04.02.2016 to take appropriate action. The second respondent also sent an interim reply, dated 17.03.2016 to the legal notice, dated 04.02.2016. But till date no final order has been passed. Therefore, the petitioner has come to this Court seeking for a direction to the respondents to pass final order on the various representation made by the petitioner.

4. As the petitioner comes to this Court seeking to consider the representation given by the petitioner, dated 26.05.2016 and also the fact that several representations already made were not considered and his land is also said to have been encroached by the second respondent, this Court directs the respondents to consider the representation of the petitioner, dated 26.05.2016 on merits and pass speaking order within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is allowed on the above terms. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

tsvn

To

1. The Chief Engineer
Public Works Department,
Puducherry.

2. The Executive Engineer
Irrigation Division,
Public Works Department,
Puducherry.

+1cc to M/s. R. Udhyakumar, Advocate, S.R.No.1224

+1cc to the Government Pleader, S.R.No.1696

RP(CO)

EU 27.1.17

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