



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.11.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND**

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.20232 of 2017

K.Sathasivam

: Petitioner

.vs.

1. The District Collector,
Trichy District,
Trichy.

2. The Tahsildar,
Musiri Taluk,
Trichy District.

3. M.Balasundaram

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus, directing the 1st Respondent to consider the Petitioner's representation dated 21.08.2017 to remove the encroachment made by the 3rd Respondent in the Government Odai Poramboke Land in Survey No.268 of Jambumadai Village Group, Musiri Taluk, Trichy District.

For Petitioner : Mr.V.Kannan

For R-1 & R-2 : Mr.T.R.Janarthanan,
Additional Government Pleader

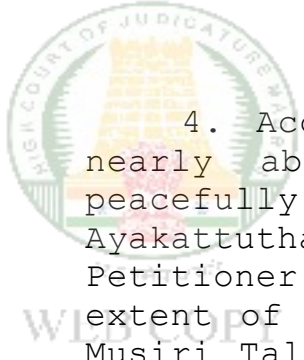
O R D E R

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

The Petitioner has preferred the instant Writ Petition praying for passing of an order by this Court in directing the 1st Respondent to consider the Petitioner's representation dated 21.08.2017 to remove the encroachment made by the 3rd Respondent in the Government Odai Poramboke Land in Survey No.268 of Jambumadai Village Group, Musiri Taluk, Trichy District.

2.Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader for R-1 and R-2.

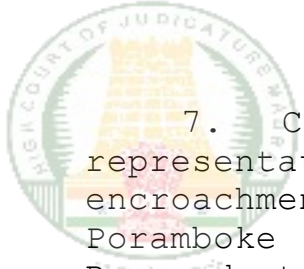
3. In respect of the Third Respondent, to avoid and avoidable delay, notice to him is dispensed with in the interest of justice.



4. According to the Petitioner, in his Jambumadai village, nearly about 300 people of various communities are living peacefully without any discrimination. He is one of the Ayakattuthars of the village Tank viz., Jamubumadai Tank. In the Petitioner's village, there is a Vari Poramboke Land measuring an extent of 30 cents in Survey No.268 of Jambumadai Village Group, Musiri Taluk, Trichy District. As a matter of fact, the Third Respondent had encroached the said Poramboke Land and built a house in the said Vari Poramboke Land. In fact, the Third Respondent, according to the Petitioner, has made obstructions in the main Channel and when he and other villagers had approached and requested him, he had not only refused to remove the obstructions, but also scolded the Petitioner in filthy language. It comes to be known that the Petitioner had addressed a representation dated 10.09.2015 to the Second Respondent to make a Field Visit in his village and to remove the encroachment made by the Third Respondent in the Government Odai Poramboke Land. However, no action was taken and therefore, on 01.10.2015, the Petitioner and others submitted representations to the Revenue Divisional Officer, Musiri, in respect of the subject matter in issue. In spite of the same, no action was taken till date.

5. The real grievance of the Petitioner is that during rainy season, because of the obstructions of these illegal encroachment, the rain water damages the road and enters into the houses. Also, during rainy season, the excess water has no way to drain since the maximum place of Odai is encroached by the encroacher. As such, the excess flood affects the Petitioner's Village and therefore, they suffered a lot besides experiencing lot of difficulties. Therefore, the Petitioner was performed to submit a representation on 21.08.2017 addressed to the First Respondent/District Collector, Trichy District, to remove the encroachment made by the Third Respondent in the Government Odai Poramboke Land in Survey No.268 of Jambumadai Village Group, Musiri Taluk, Trichy District. Since no action was taken on the Petitioner's last representation dated 21.08.2017, he has filed the present Writ Petition.

6. It transpires that an Acknowledgment Card was issued by the office of the First Respondent/District Collector, Trichy District on the 'Grievances Day' in respect of the submission of Petition dated 21.08.2017, submitted by the Petitioner and the concerned Officer is Sub-Collector/Revenue Divisional Officer, Musiri. It is to be noted that at the time of submission of the Representation/Petition and also at the time of disposing of the Petition, it was mentioned in the Acknowledgment Card by of the office of the First Respondent/District Collector that 'Information/Message, would be sent to the Mobile Number of the Petitioner. But, till date, the Petitioner's last representation dated 21.08.2017, has not seen the light of the day.



7. Considering the fact that the Petitioner's last representation dated 21.08.2017, to remove the purported encroachment made by the Third Respondent in Government Odai Poramboke Land, is still pending in the hands of the First Respondent Office and also this Court taking note of the fact that there is no progression to the Petitioner's earlier representations, dated 10.09.2015 and 01.10.2015, at this stage, in the interest of justice, directs the First Respondent/District Collector, Trichy District, to look into the last representation of the Petitioner, dated 21.08.2017 and other earlier representations with all earnestness and seriousness and if it is found that there is substance in the said representations, then, to dispose of the same, of course after providing reasonable opportunity to the Petitioner and others by adhering to the principles of natural justice, more importantly, the purported encroacher/Third Respondent is to be heard by the First Respondent/District Collector and if need be, he may be even called in the subject matter in issue. The First Respondent is to pass necessary orders on the last representation of the Petitioner, dated 21.08.2017, within a period of three weeks from the date of receipt of a copy of this order. Before parting with the case, this Court abundantly makes it clear that it is open to the Petitioner to raise all factual and legal pleas before the First Respondent and it cannot be gainsaid that the First Respondent shall advert to the points raised by the Petitioner and do the needful within the time afore stated.

8. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Trichy District,
Trichy.

2. The Tahsildar,
Musiri Taluk,
Trichy District.

+1cc to Spl. Government Pleader Sr.No.85165

+1cc to Mr.V.Kannan, Advocate Sr.No.85344

PM

VB/MR/KKR/SAR1/09/11/2017/3P/5C