



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2017

CORAM:

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

W.P. (MD) No. 20647 of 2017

Puzhalenderan : Petitioner

-Vs-

1. The District Collector,
Tiruchirappalli.

2. The Tahsildar,
Thuraiyur, Trichy District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first and second Respondents to take legal action to remove the encroachment in the common cart track running between T. Badhar Pettai to T. Vellalapatti in Thalugai Village in S.F.No.289/1, Thuraiyur Taluk, Trichy.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.T.R.Janarthanan,
Additional Government Pleader

ORDER

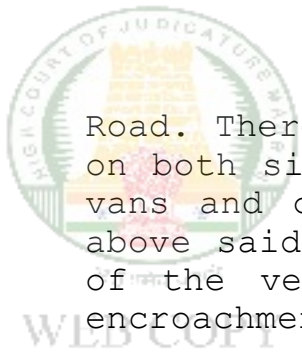
[Order of the Court was made by **M. VENUGOPAL, J.**]

Mr.T.R.Janarthanan, Learned Additional Government Pleader, takes notice for the Respondents.

2. Heard both sides. No counter is filed on behalf of the Respondents.

3. By consent, the main Writ Petition itself is taken up for final disposal at the stage of admission.

4. According to the Petitioner, there is a common cart track situated on T. Badhar Pettai to T. Vellalapatti in Thalugai Village in S.F.No.289/1. As a matter of fact, the cart track is connecting the road running to Malayalapatti, Kathalamedu and Ottagamedu



Road. There are private agricultural lands owned by Agriculturists on both sides of the afore-stated cart track. In fact, the School vans and other transport vehicles have to pass only through the above said cart track. There is a hindrance for the free movement of the vehicles through the above said cart track due to the encroachment.

5. The grievance of the Petitioner is that the Petitioner and others had submitted a petition before the Village Panchayat to measure the common cart track and the Village Panchayat Board, Thalugai Village passed a resolution to remove the said encroachment on 31.12.2015 in the Grama Sabai meeting conducted by the Panchayat. That apart, the then President of the Panchayat had addressed a letter to the second Respondent on 16.02.2016 to remove the encroachment in the common cart track. Lastly, the Petitioner had submitted a petition before the first Respondent/District Collector, Tiruchirappalli on 27.10.2016 and 09.01.2017 to remove the encroachment in the above said cart track. However, no action has been taken to remove the encroachment on the common cart track running in Thalugai S.F.No.289/1.

6. Considering the fact that the Petitioner's representations/petitions addressed to the first Respondent dated 27.10.2016 and 09.01.2017 are pending in regard to the removal of encroachment without any progression in the subject matter in issue, at this stage, this Court, based on equity, fair play and good conscience, directs the first Respondent to look into the objections/representations of the Petitioner dated 27.10.2016 and 09.01.2017, within a period of two weeks from the date of receipt of copy of this order. Thereafter, if the first Respondent finds any substance in the representations/petitions made by the Petitioner, then he is directed to pass necessary orders in regard to the removal of encroachment, after following the due process of law and also by adhering to the Principles of Natural Justice, by issuing necessary notice to the concerned and the exercise of passing necessary orders on the representations/petitions of the Petitioner dated 27.10.2016 and 09.01.2017 shall be carried out by the first Respondent, within a period of four weeks thereafter. It is open to the Petitioner to raise all factual and legal pleas before the first Respondent for redressal of his grievances, if he so desires/if so advised.

7. With the aforesaid observation(s)/direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)



To

1. The District Collector,
Tiruchirappalli.

2. The Tahsildar,
Thuraiyur, Trichy District.

+ 1 cc TO Mr.S.Muthukrishnan , Advocate in SR No. 86139

+ 1 cc TO The Special Government Pleader in SR No. 86237

SML

AE/MR KKR/SAR4/28.11.2017/3P/5C

Order made in
W.P. (MD) No.20647 of 2017
Dated: 09.11.2017