



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2017

CORAM:

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

W.P. (MD) No. 20743 of 2017

D. Rasathi Durai

: Petitioner

-Vs-

1. The District Collector,
Pudhukottai District,
Pudhukottai.

2. The Tahsildhar,
O/o. The Tahsildhar,
Karambakudi Taluk,
Pudhukottai District.

3. R. Ramachandran

: 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 Respondent Nos. 1 and 2 to remove the encroachments made by the Respondent No. 3 in Survey No. 247/3 to an extent of 40 Cents at Vandanviduthi Village, Karambakudi Taluk, Pudhukottai District, within the timeframe stipulated by this Court.

For Petitioner

: Mr. T. Lajapathi Roy

For Respondents 1&2

: 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 1 and 2.

2. Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader appearing for the Respondents 1 and 2.



3. To avoid an avoidable delay, notice to the third Respondent is dispensed with, to prevent an aberration of justice.

4. According to the Petitioner, originally, the land in Survey No.247/3, Vandaviduthi Village, Karambakudi Taluk, Pudhukottai District, was earmarked for the purpose of constructing the warehouse for storage of the food-grains and on 06.01.2017, a representation was made by the Panchayat and the same was forwarded to the Sub-Collector, Pudhukottai, for follow-up action through the proceedings of the first Respondent dated 10.01.2017. The stand of the Petitioner is that the third Respondent had encroached a piece of land belonging to the Government in Survey No.247/3, Vandaviduthi Village, Karambakudi Taluk, Pudhukottai District (classified as Gramma Natham in the revenue records) and put up a compound wall and further, on 04.02.2017, had put up a structure with asbestos roofing and had put up a shed and he is using the same for commercial purpose. In effect, the third Respondent had encroached an extent of 40 Cents of land, thereby, causing nuisance to the residents of Petitioner's Village. It appears that the Petitioner and other People in the Village have sent a representation to the first Respondent on 06.01.2017. Despite the efforts taken by the Petitioner, the first Respondent/District Collector, Pudhukottai District has not taken any action based on the representation dated 06.01.2017.

5. Considering the fact that the third Respondent had purportedly encroached the piece of land in Survey No.247/3, Vandaviduthi Village, Karambakudi Taluk, Pudhukottai District and had also put up a structure with asbestos roofing and shed and he is using the same for commercial purpose, this Court, without expressing any opinion on the merits and contents of the representation of the Petitioner and other People in the Village dated 06.01.2017, simpliciter, at this stage, directs the first Respondent to look into the representation dated 06.01.2017, within a period of two weeks from the date of receipt of copy of this order. If the first Respondent/District Collector finds any substance in regard to the contents of the representation of the Petitioner and other People in the Village dated 06.01.2017, then, without any hastiness or hesitation, whatsoever, he is directed to pass necessary orders on the representation dated 06.01.2017, within a period of six weeks thereafter, of course, after providing necessary opportunity to the Petitioner and especially, after issuing notice to the third Respondent (purported encroacher). It is open to the Petitioner to raise all factual and legal pleas before the first Respondent, who shall advert to the said pleas in qualitative and quantitative terms, at the time of passing the final orders, based on the representation of the Petitioner and other people in the Village dated 06.01.2017, in a comprehensive manner.



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

Sd/-
Assistant Registrar(CO)

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/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudhukottai District,
Pudhukottai.
2. The Tahsildhar,
O/o. The Tahsildhar,
Karambakudi Taluk,
Pudhukottai District.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.86651
+1cc to Spl.Government Pleader Sr.No.86556

SML

VB/MR/KKR/SAR4/21.11.2017/3P/5C

Order made in
W.P. (MD) No.20743 of 2017
Dated: 10.11.2017