



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2017

CORAM:

WEB COPY

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

W.P.(MD)No.21306 of 2017
and
W.M.P(MD)No.17570 of 2017

Kumar

: Petitioner

.vs.

1. The District Collector,
Pudukkottai District.
2. The Block Development Officer,
Kundrandar Kovil Union,
Pudukkottai District.
3. The Tahsildar,
Kulathur Taluk,
Pudukkottai District.
4. The Special Officer,
Thammavoor Village Panchayat,
Kulathur,
Pudukkottai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus forbearing the Respondents from removing the plantations made by the Petitioner as an alleged encroachment in S.No.54/2, 54/4, Themmavoor Village, Kulathur, Pudukkottai District.

For Petitioner : M/s.R.Maheswaran
For Respondents : Mr.T.R.Janarthanan
Additional Govt.Pleader

O R D E R

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

This Writ Petition has been filed seeking issuance of a Writ of Mandamus forbearing the Respondents from removing the plantations made by the Petitioner as an alleged encroachment in S.No.54/2, 54/4, Themmavoor Village, Kulathur, Pudukkottai District.



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.

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4. The Petitioner had sent a representation, dated 14.11.2017 to the Third Respondent requesting him to measure his property by following the due process of Law. The Petitioner had developed the property in S.No.881-3B, Themmavoor Village, Kulathoor, Pudukkottai District and after purchase of the same, converted into Diary Farm and running the same, is sought to be cultivating Maize and plantation crops and it appears that the authorities had failed to listen to the Petitioner in listening to his grievance.

5. The grievance of the Petitioner is that he had explained to the authorities concerned if they measure his property as per the revenue records, the same would clearly reveal that the portion under cultivation work would lie inside his property and not in the tank.

6. Considering the fact that the Petitioner is only seeking for a limited relief to consider his representation, dated 14.11.2017 by the Third Respondent, at this stage, this Court, without traversing upon the merits and demerits and contents of the representation of the Petitioner and also not expressing any opinion one way or other, in the interest of justice, at this stage, simpliciter, directs the Third Respondent to look into the representation of the Petitioner, dated 14.11.2017 within a period of two weeks from the date of receipt of a copy of this order. If the Third Respondent finds any substance in the representation of the Petitioner, dated 14.11.2017, then the Third Respondent is to dispose of the said representation by passing a reasoned speaking order on merits within a period of four weeks thereafter, by following the Principles of Natural Justice. It is open to the Third Respondent to issue notice to the Petitioner and others concerned if any and liberty is granted to the Petitioner to raise all factual and legal pleas before the Third Respondent, who shall take into account of the same and advert to the relevant points/facts raised by the Petitioner and answer the same, in a complete and comprehensive manner.

7. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/



To

1. The District Collector,
Pudukkottai District.
2. The Block Development Officer,
Kundrandar Kovil Union,
Pudukkottai District.
3. The Tahsildar,
Kulathur Taluk,
Pudukkottai District.
4. The Special Officer,
Thammavoor Village Panchayat,
Kulathur,
Pudukkottai District.

+ 1 CC TO Mr.R.MAHESWARAN, ADVOCATE IN SR No. 88611
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 88497

VSN

TE/KK/SAR-2 : 24/11/2017 : 3P/7C

ORDER MADE IN
W.P. (MD) No. 21306 of 2017 and
W.M.P (MD) No. 17570 of 2017
20.11.2017