

IN THE HIGH COURT OF JUDUCATURE AT MADRAS

Dated: 28.08.2018

Coram:

THE HON'BLE MR.JUTICE M.VENUGOPAL
AND
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

W.P.No.21953 of 2018

S.Murugan ... Petitioner

vs.

1.The District Collector,
Villupuram.

2.The Tahsildar,
Gingee.

3.The Block Development Officer,
Gingee

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondents to dispose of the Representations dated 31.05.2018 and 29.06.2018.

For Petitioner : Mrs.B.Raji
for M/s.V.Bhiman

For Respondents :Mr.J.Pothiraj, Spl.Govt.Pleader

ORDER

(Order of the Court was made by M.VENUGOPAL,J.)

Heard the Learned Counsel for the Petitioner and the Learned Special Government Pleader for the Respondents.

2.No counter is filed on behalf of the Respondents.

3.According to the Petitioner, there is a road from his Village to Nallan Pillai Petraal Village running out to facilitate the agricultural produce from the paddy field and also to take the agricultural equipments to the fields. The said road is classified as 'Government Poramboke land' and the same was filled with gravel by the Government. The length of the road is about 1.5 kms and is running parallel to the mud road situated in North in Survey Nos.101/6, 100/2, 99, 97, 10 and 11. AS a matter of fact, there is no other way except

this road to reach the lands situated in the aforestated Survey Numbers.

4.The Learned Counsel for the Petitioner submits that the General Public along with one Jayaraj lodged a complaint before the First Respondent/District Collector, Villupuram District and other Government Officials, viz., the Revenue Inspector, Village Administrative Officer and that the Panchayat President visited the spot and the Surveyor had measured the land and erected the stones. In this regard the grievance of the Petitioner is that the encroachers, with the help of JCP Machine, dug the pathway to the extent of 15 feet and made the same unusable by the public. On a complaint made to the 3rd Respondent/Block Development Officer, eviction notice under Section 6 of the Tamil Nadu Act 3 of 1905 was issued on 14.05.2018 and till date no action is taken by the concerned Respondent to re-lay the road. Because of the monsoon, which is fast approaching, it will be difficult to take the agricultural products from the field and also to the field. Added further, it will be very difficult to take the Tractor for the purpose of irrigation.

5.The Learned Special Government Pleader for the Respondents fairly submits that the First Respondent/District Collector, Villupuram District, will pass Orders on the Representations of the Petitioners within a time frame to be determined by this Court.

6.It is to be noted that the Petitioner had submitted Representations/Petitions dated 31.05.2018 and 29.06.2018 to the First Respondent/District Collector, Villupuram, in regard to the encroachment made in Puthagaram Village Poramboke Survey No.100/2, whereby and whereunder, the names of two individuals, viz., (1) Periyannan, son of Manickam and (2) Asokan, son of Manickam, were mentioned as encroachers, who had made encroachments in the Pathway in one portion and also they had created obstacles for the General Public to approach their lands. This Court, taking note of the fact that in spite of the fact that the Petitioner has made the first Representation, dated 31.05.2018, addressed to the First Respondent/District Collector, Villupuram District and also the subsequent Representation, dated 29.06.2018, and as on date, there is no progression in the subject matter in issue, at this stage, directs the First Respondent/District Collector, Villupuram, to look into the Representations of the Petitioner dated 31.05.2018 and 29.06.2018, with all seriousness and earnestness within a period of 10 days from the date of receipt of copy of this order. Thereafter, the First Respondent is directed to pass a reasoned speaking Order on merits and in accordance with Law (in regard to two Representations of the Petitioner, dated 31.05.2018 and 29.06.2018) and to dispose of the same in a fair, just, unbiased and in a dispassionate manner, of course, after providing necessary opportunity, by issuing notice to the

concerned Encroachers (including one Periyannan and Asokan, Son of Manickam), within a period of four weeks thereafter. Before parting with the case, this Court abundantly makes it clear that if the First Respondent/District Collector, Villupuram District comes to a conclusion that the encroachers had made encroachments in Puthagaram Village Poramboke Survey No.100/2, necessary steps shall be taken by him to remove the encroachments, so as to enable the General Public to use the lands for their Way.

With the above observations/directions, the Writ Petition shall stand disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

msk

To

1.The District Collector,
Villupuram.

2.The Tahsildar,
Gingee.

3.The Block Development Officer,
Gingee.

+ 1 cc to M/s. V. Bhiman, Advocate Sr.59031

+ 1 cc to Government Pleader Sr.59335

सत्यमेव जयते

W.P.No.21953 of 2018

(CS-VIII)
EU(07/09/2018)

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