

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.9239/2018

C.Thavamani

..Petitioner

Versus

1.The District Collector
Collectorate, Salem District.

2.The District Revenue Officer
Collectorate, Salem District.

3.The Revenue Divisional Officer
Attur Taluk, Salem District.

4.The Tahsildar
Attur Taluk, Salem District.

5.Velu

6.Lakshmanan

7.Tamil Arasi

..Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 herein to consider the representation dated 06.03.2018 and 06.04.2018 submitted by the petitioner in the light of G.O.Ms.No.540, Revenue [LD 6[2]] Department dated 04.12.2014 and to remove the encroachment made by the respondent Nos.5 to 7 in S.No.422/27 which is situated at Narasingapuram Village, Attur Taluk, Salem District, within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.Rajakumar
For R1 to R4 : Mr.T.M.Pappiah, Spl.GP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.T.M.Pappiah, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 4.

2 The petitioner claims that her husband is an Ex-Serviceman and he is having a superstructure along with the site in Natham S.No.422/25, admeasuring to an extent of 0.0030.5 sq.m., Narasingapuram Village, Attur Taluk, Namakkal District and after the demise of her husband, she continues to remain in possession and enjoyment of the said property. The grievance expressed by the petitioner is that to reach her house in S.No.422/25 of Narasingapuram village, she is using the street/pathway in S.No.422/27. The Village Records would also disclose that it is a street only and however, the private respondents, viz., respondents 5 to 7, had encroached upon the said land and in this regard, the petitioner has submitted a representation dated 06.03.2018 followed by a reminder representation dated 06.04.2018 to the concerned officials and despite receipt and acknowledgment, no action has been taken to remove the encroachment and hence, the petitioner came forward to file the present writ petition.

3 The Court heard the submissions of the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 4 and perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by her, either in her representations or in this writ petition, directs the 4th respondent to cause inspection of the alleged pathway in S.No.422/27 of Narasingapuram Village, Attur Taluk, Namakkal District, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, the 4th respondent shall put the petitioner as well as the private respondents on notice and take appropriate action in accordance with law within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondents 5 to 7.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Collectorate, Salem District.

2.The District Revenue Officer
Collectorate, Salem District.

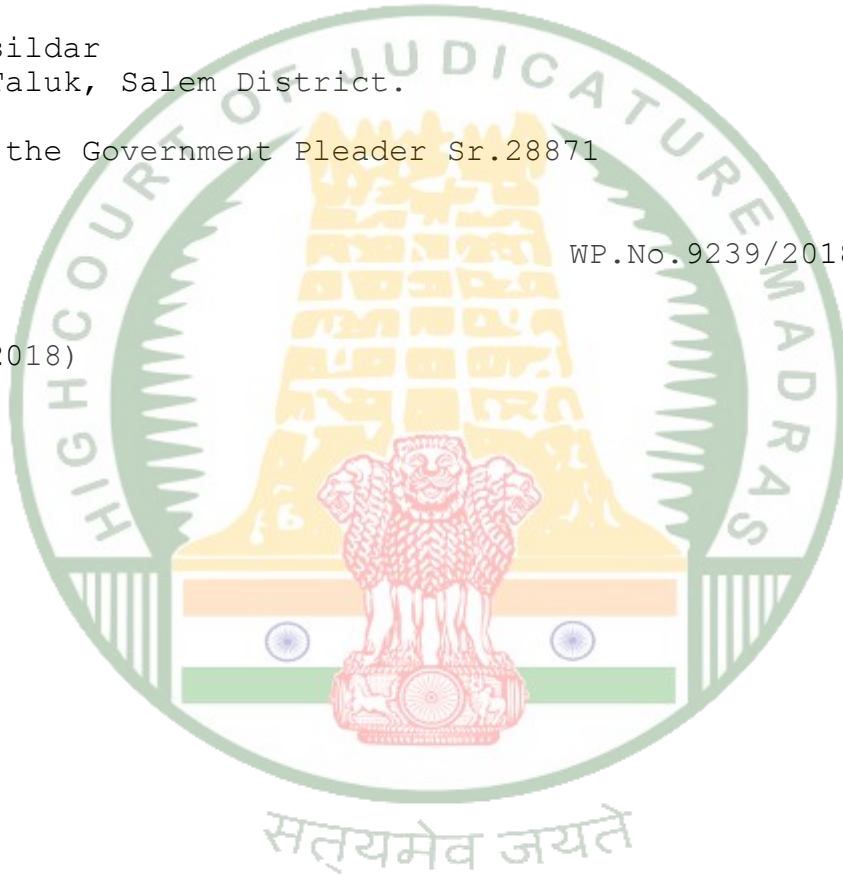
3.The Revenue Divisional Officer
Attur Taluk, Salem District.

4.The Tahsildar
Attur Taluk, Salem District.

+ 1 cc to the Government Pleader Sr.28871

WP.No.9239/2018

GJII(CO)
EU(10/05/2018)



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