

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.5323 OF 2018

G.Elumalai

... Petitioner

Versus

1.The District Collector
Villupuram.

2.The Thasildhar
Ulundurpet.

3.Murugan

4.Ayyakannu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to remove the encroachments made by the respondents 3 and 4 in Government poramboke lands in Survey Nos.21/2 21/2 (Pattai) 29/3 (Pattai) and 30 (Odai) situate at Vanniyankuppam Village, hamlet of Keezhakuppam Vellur Village, Ulundurpet Taluk, Villupuram District.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.A.N.Thambidurai

1 and 2

Special Government Pleader

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O R D E R

(ORDER OF THE COURT WAS MADE BY M.SATHYANARAYANAN, J.)

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader, accepts notice on behalf of the first and second respondents. Though private respondents viz., respondents 3 and 4 have been served and their names appeared in the cause list, there is no appearance on their behalf.

2. The petitioner claims to be a Public Interest Litigant and the learned counsel for the petitioner, on instructions, would submit that the petitioner is not at all an encroacher, in respect of any Government land/lands belongs to Local Body and he filed the present writ petition purely in public interest to remove the encroachments.

3. It is the case of the petitioner that the respondents 3 and 4 had encroached upon the lands in S.No.21/2 (Pattai), 29/3(Pattao) and 30 (Odai) which are classified as "pathway" leading to Gedilam river, in Vanniyankuppam Village, Ulundurpet Taluk, Villupuram District and representations submitted in that regard has failed to invoke any action or proper response and hence, he came forward to file this writ petition.

4. The writ petition was entertained and notice was ordered on 09.03.2018.

5. Mr.N.Suresh, learned counsel appearing for the petitioner would submit that despite direction from the second respondent to the Block Development Officer, Thirunavalur, as early as on 13.04.2018, the said official is not at all responding and in fact, stalling the eviction proceedings and hence, prays for appropriate orders.

6. Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 and 2 would submit that action under due process of law is under process and the removal of encroachments, would be completed within a short span of time.

7. This Court has carefully considered the rival submissions and also perused the materials placed before it.

8. The second respondent, vide communication dated 13.04.2018 in Na.Ka.No.A4/280/2018, has requested the Block Development Officer, Thirunavalur, to take appropriate action in accordance with law, by referring to the pendency of this writ petition.

9. This Court, taking into consideration the above facts and circumstances, and without going into the merits of the claim projected by the petitioner, directs the Block Development Officer, Thirunavalur, to act on the communication of the second respondent dated 13.04.2018 and after putting the encroachers on notice, by following the due process of law, shall take action in accordance with law and inform the same to the second respondent, within a period of eight weeks from the date of receipt of a copy of this order. The second respondent, in turn, shall communicate the decision taken to the petitioner.

10. The writ petition stands disposed of accordingly.
No costs. Consequently,

11. The Registry is directed to communicate this order
to the Block Development Officer, Thirunavalur.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

TK

To

1.The District Collector
Villupuram.

2.The Thasildhar
Ulundurpet.

3.The Block Development Officer,
Thirunavalur.

+lcc to Government Pleader in sr.no.38702

+lcc to Mr.N.Suresh, Advocate sr.no.38575

W.P.NO.5323 OF 2018

kji(co)
nr 03/07/2018

सत्यमेव जयते
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