

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.9695 of 2018

V.Ponnusamy .. Petitioner

Versus

1.The District Collector,
Villupuram District,
Villupuram.

2.The Revenue Divisional Officer,
Tindivanam,
Villupuram District.

3.The Tahsildar,
Gingee Taluk,
Villupuram District.

4.Mrs.Chithra

5.G.Ganesan .. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the 3rd respondent to remove the encroachment made in S.No.21/8 and 21/9, Kandamanallur Village, Gingee Taluk, Villupuram District as per order of the 2nd respondent passed in Na.Ka.A3/2253/2017 dated 09.11.2017.

For Petitioner :Mr.K.Thirunavukkarasu

For Respondents :Mr.A.N.Thambidurai, Spl GP for R1 to R3

ORDER

[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 for respondents for R1 to R3.

2. The petitioner claims to be a resident of Kandamanallur village, Gingee Taluk, Villupuram District and would aver that as per the revenue records / village accounts, the lands in Survey Nos.21/8 and 21/9 of the said Village are classified as 'Nalla Thanni Kulam' (Portable Water Pond) and the 4th and 5th respondent had started encroaching upon the pond and also erected a thatched hut. A representations were also submitted by the petitioner to the concerned officials and the 1st respondent vide memo dated 10.09.2014 in O.Mu.Aa5/17334/2014, directed the 3rd respondent to take appropriate action and similarly, the Revenue Divisional Officer in Na.Ka.No.Aa3/2253/2017 dated 09.11.2017 has once again directed the 3rd respondent to take appropriate action. Despite directions from the superior officials, the 3rd respondent is yet to respond and hence the petitioner constrained to approach this Court by filing this writ petition.

3. Heard the submission of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3.

4. Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claims projected by the petitioner, directs the 3rd respondent to respond to the said memos of the 1st respondent as well as the communication of the Revenue Divisional Officer dated 09.11.2017 and after putting the petitioner as well as the respondents 4 and 5 and any other encroachers, if any, on notice, shall cause inspection of the land in S.Nos.21/8 and 21/9 of Kandamanallur village, Gingee Taluk, Villupuram District within six weeks from the date of receipt of a copy of this order and depending upon the result of the survey and inspection, shall take appropriate action to remove the encroachers, if any, in accordance with law within a further period of ten weeks and communicate the decision taken to the petitioner as well as the respondents 4 and 5 and other encroachers, if any.

5. With the above direction, the writ petition stands disposed of. No costs.

sk

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Villupuram District,
Villupuram.

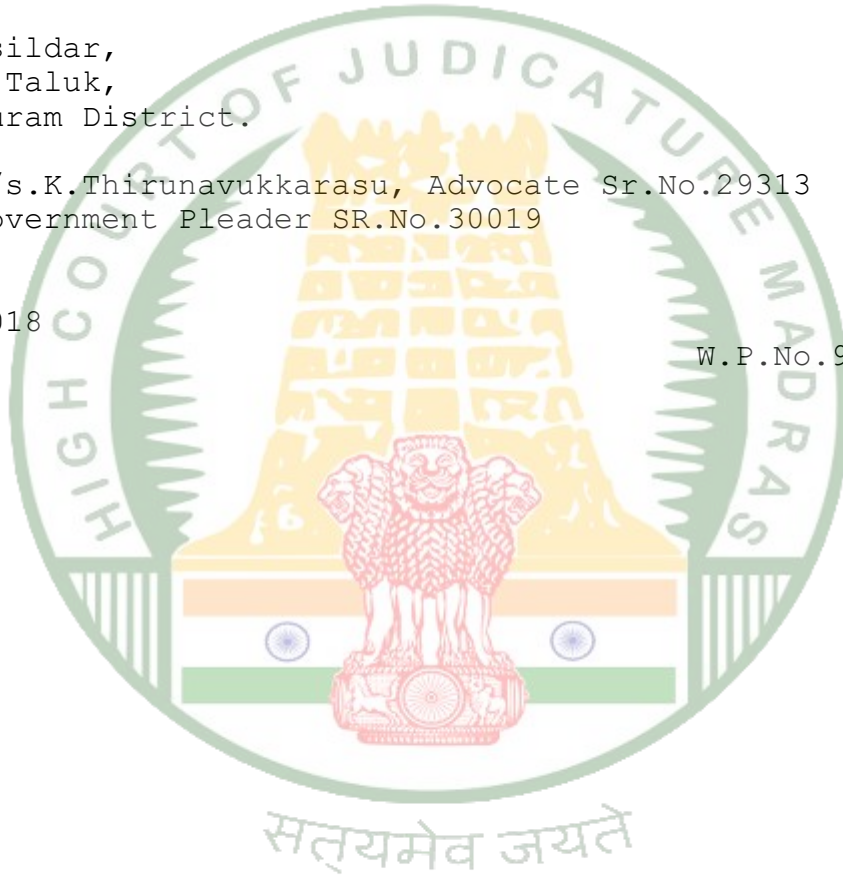
2.The Revenue Divisional Officer,
Tindivanam,
Villupuram District.

3.The Tahsildar,
Gingee Taluk,
Villupuram District.

+lcc to M/s.K.Thirunavukkarasu, Advocate Sr.No.29313
+lcc to Government Pleader SR.No.30019

NRI (CO)
sm:14.5.2018

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