

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.8930/2018

P.Loganathan

.. Petitioner

Versus

- 1.The District Collector
Namakkal District.
- 2.The Superintendent of Police
Namakkal District.
- 3.The District Revenue Officer
Namakkal District, Namakkal.
- 4.The Assistant Director of Town Panchayat
Namakkal District.
- 5.The Tahsildar
Rasipuram Taluk,
Namakkal District.
- 6.The Assistant Engineer
Public Works Department
Rasipuram Taluk
Namakkal District.
- 7.The Executive Officer
Athanur Town Panchayat,
Rasipuram Taluk, Namakkal District.

8.The Village Administrative Officer
 Athanur Town Panchayat
 Rasipuram Taluk,
 Namakkal District.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to remove the encroachment in S.No.17/3, Athanur Villge, Rasipuram Taluk, Namakkal District as per the proceedings O.Mu.No.4013/2018/L-3 dated 27.02.2018 issued by the 3rd respondent.

For Petitioner : Mr.T.Sathyaseelan
 For R1 to R8 : 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 8.

2 The petitioner, on an earlier occasion, filed WP.No.2956/2018 for removal of the encroachment on the land classified as "Paadhai Poramboke" in S.No.173 at Athanur Panchayat Union and a representation was made to the effect that the encroachment has been removed and this Court, vide order dated 01.03.2018 had closed the said writ petition, based

on such representation. The petitioner, having found that no encroachment has been removed, submitted a petition, based on which the office of the 1st respondent has sent a Memo dated 27.02.2018 in O.Mu.No.4013/2018/L-3 to the 5th respondent to survey the land admeasuring to an extent of 0.26.5 Hectares in S.No.17/3 of Athanur Village and thereafter, initiate action in terms of the provisions of the Tamil Nadu Land Encroachment Act, 1905, and complete the same on or before 31.03.2018 and despite such a direction from the superior official, the 5th respondent, so far, not taken any action and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The Court heard the submissions of the learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1 to 8 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 the petitioner, directs the 5th respondent to act on the Memo of the 1st respondent dated 27.02.2018 in O.Mu.No.4013/2018/L-3 and comply with the said direction in accordance

with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the persons/encroachers concerned.

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

6 Post the writ petition on 29.06.2018 for filing Status Report of the 5th respondent.

[MSNJ] [PRMJ]

12.04.2018

Internet : Yes

AP

To

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M.SATHYANARAYANAN, J.,
AND
P.RAJAMANICKAM, J.,
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