

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.10792 of 2018

S.John Pushparaj .. Petitioner

Versus

1.The District Collector,
Collectorate,
Erode - 638 011.

2.The District Revenue Officer,
Collectorate,
Erode - 638 011.

3.The Revenue Divisional Officer,
Gobichettipalayam - 638 452.

4.The Tahsildar,
Nambiyur - 638 458
Erode District.

5.Mrs.Jayaseeli .. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus, directing the first to fourth respondents, to evict the unauthorized encroachment and Occupation of the 5th respondent and to demolish the wall constructed on the public road by the 5th respondent, in S.F.No.1298/12 of Nambiyur Town Panchayat, Nambiyur Taluk, Erode District, which disturbs and blocks the free movement of Public through the road, and to distribute the Government Natham Poramboke land to the landless poor people.

For Petitioner :M/s.R.Baskaradoss

For Respondents :Mr.E.Manoharan, AGP for R1 to R4

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.E.Manoharan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

2 The writ petition is styled as a Public Interest Litigation. According to the petitioner, the land, admeasuring to an extent of 17 cents in S.F.No.1298 of 2014 of Nambiyur Town Panchayat, Nambiyur Taluk, Erode District is classified as Natham Poramboke Land and it is also used as Cart Track and public pathway for very many years by the residents of the said locality and the 5th respondent, the wife of the Village Assistant, had encroached upon the said land. The petitioner in this regard has submitted a representation dated 16.03.2018 followed by a legal notice dated 16.03.2018 and in spite of receipt and acknowledgment, no action has been taken so far to remove the encroachment and therefore came forward to file this writ petition.

3 The Court heard the submissions of Mr.E.Manoharan, learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the materials placed before it.

4 Though the petitioner prays 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 4th respondent to entertain the said representation and after putting the petitioner as well as the 5th respondent on notice and shall cause inspection of the land in S.F.No.1298/12 of Nambiyur Town Panchayat, Nambiyur Taluk, Erode District, within a period of four weeks from the date of receipt of copy of this order and depending upon the result of the same, shall take appropriate action in accordance with law, in the event of encroachment being found and the said exercise has to be carried out within a further period of ten weeks thereafter and the decision taken in that regard, shall be sent to the petitioner as well as the 5th respondent herein.

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

sk

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Collectorate,
Erode - 638 011.

2.The District Revenue Officer,
Collectorate,
Erode - 638 011.

3.The Revenue Divisional Officer,
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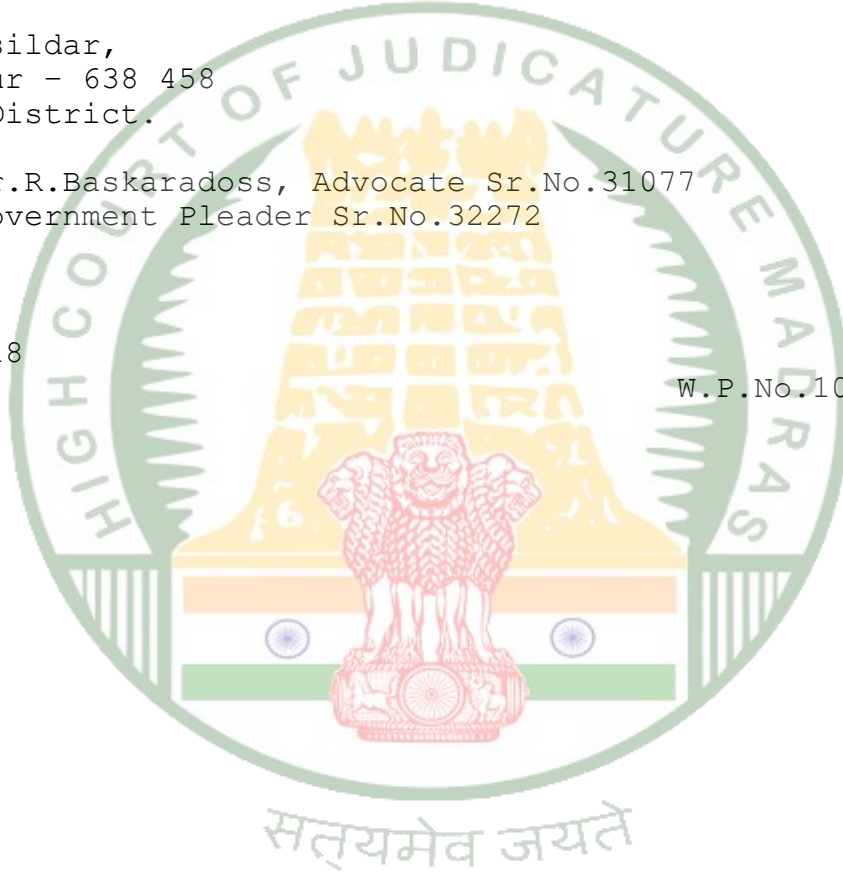
4.The Tahsildar,
Nambiyur - 638 458
Erode District.

+1cc to Mr.R.Baskaradoss, Advocate Sr.No.31077

+1cc to Government Pleader Sr.No.32272

sm:7.6.2018

W.P.No.10792 of 2018



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