

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.04.2018

CORM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.9956/2018

R.Palanisamy

.. Petitioner

Versus

1.The District Collector
Erode District, Erode 638011.

2.The Tahsildar
Kodumudi Taluk
Erode District.

3.M.Subramani

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to remove the encroachments made by the 3rd respondent in the Government Poramboke land in Velliyampalayam, Punjaikolanalli Village, Kodumudi Taluk, Erode District in view of the petitioner representation dated 23.10.2017.

For Petitioner : Mr.M.Guruprasad

For RR 1 & 2 : Mr.A.N.Thambidurai, 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.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The petitioner claims to be an agriculturist and is having his residence in SF.No.874/4, situate at Punjaikolanalli village, Kodumudi Taluk, Erode District. According to the petitioner, to have access to his residence, he uses the East - West pathway situate in SF.No.874/21. It is the case of the

petitioner that the 3rd respondent alleging encroachment on the said land by the petitioner herein, given a complaint, based on which, orders were passed and proceedings have been initiated for removal of the encroachment and challenging the same, the petitioner has filed WP.No.1360/2018 and it was dismissed on 21.03.2018.

3 The learned counsel for the petitioner would submit that the 3rd respondent herein is also an encroacher and the representation for removal of the encroachment submitted by the petitioner on 23.10.2017 was received by the office of the 1st respondent and it was forwarded to the 2nd respondent and despite that, no action has been taken to remove the encroachment of the 3rd respondent and therefore, the petitioner is constrained to approach this Court, by filing this writ petition.

4 The Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 and 2 and perused the materials placed before it.

5 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 2nd respondent to cause inspection of the said land in Re-Survey No.874/21 of Punjaikolanalli Village, Kodumudi Taluk, Erode District, with the aid of the Revenue Records, after putting the 3rd respondent on notice within a period of four weeks from the date of receipt of a copy of this order and depending upon the inspection, the 2nd respondent shall take appropriate action in accordance with law and in the event of encroachment being found, shall remove the same within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the 3rd respondent herein.

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

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

1.The District Collector
Erode District, Erode 638011.

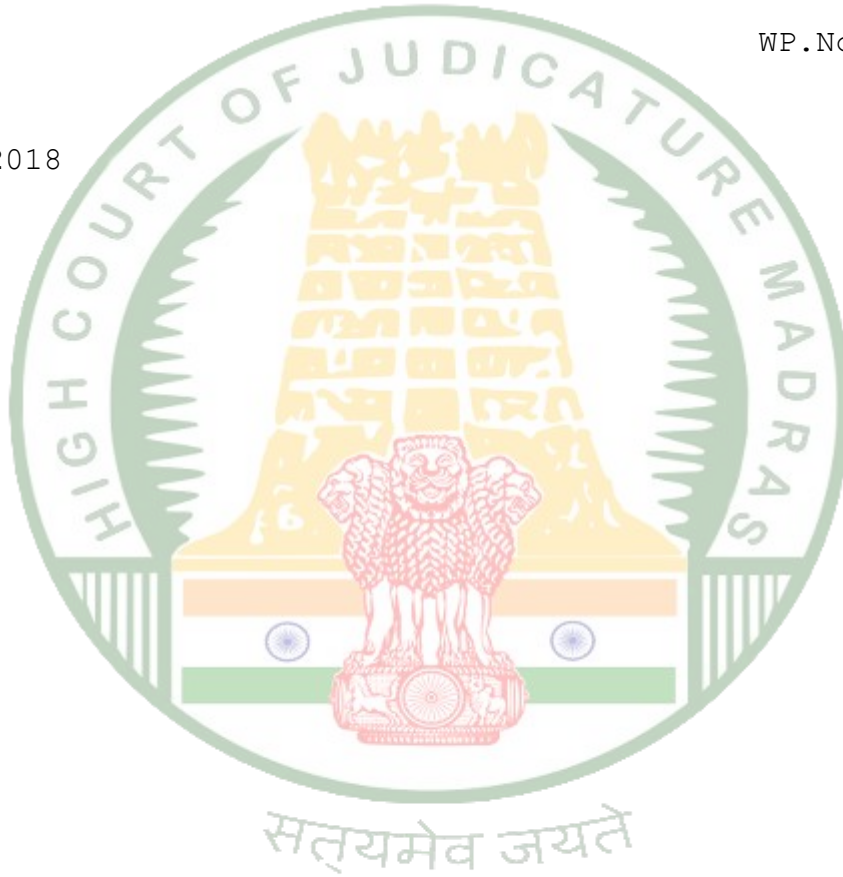
2.The Tahsildar
Kodumudi Taluk
Erode District.

+1 C.C. to M/S. M.Guruprasad Advocate SR.NO. 30052

+1 C.C. to The Government Pleader, High Court Madras SR.NO.
29959

WP.No.9956/2018

MP (CO)
VS 11.05.2018



WEB COPY