

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

W.P.No.26883 of 2017

P.Arumugam .. Petitioner

-vs-

1. The District Collector
District Collectorate
Villupuram 605 602

2. The Revenue Divisional Officer
District Collectorate
Villupuram 605 602

3. The Tahsildar
Taluk Office
Kallakurichi 606 202

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to remove the encroachments in Survey Nos.55, 54/3 and 54/7 Nattarmangalam Village, Kallakurichi Taluk, Villupuram District by considering petitioner's representation dated 12.06.2017.

For Petitioner :: Ms.B.Shivani for Mr.P.Valliappan
For Respondents:: Mr.R.Udhayakumar
Additional Government Pleader

सत्यमेव जयते

ORDER

(Order of the Court was delivered by M.VENUGOPAL, J.)

Heard both sides.

2. No counter affidavit is filed on behalf of the Respondents.

3. According to the Petitioner, he is a resident of Nattarmangalam Village owning 16 acres of land in Survey No.53 in Nattarmangalam Village. His Aadhar Card number is 795607979316. He is carrying on agriculture along with his brothers and eking out his livelihood and that others are also carrying on agriculture. He has filed the present writ petition

praying for passing of an order by this Court in directing the Respondents to remove the encroachments in Survey Nos.55, 54/3 and 54/7, by considering his representation dated 12.6.2017. The stand of the Petitioner is that the lands in Survey Nos.55, 54/3 and 54/7, Nattarmangalam Village, Kallakurichi Taluk are classified as 'Cart-track Poramboke' in the Revenue records and used by all of them as an access to Chinna Salem Road. The said track measures more than 238 metres and there is no access for all of them. Now more than 22 families had encroached the 'cart-track' and put up temporary residence. Therefore, he and other villagers are prevented from having an access to Chinna Salem Road and also put to great hardship. As a matter of fact, the members of the Easandhai Panchayat had passed a resolution on 22.7.2014 expressing their grievance etc.

4. The Petitioner had addressed a representation on 12.6.2017 to the Respondents. But his grievance is that the Respondents have not removed the encroachments in question in the teeth of his representation dated 12.6.2017.

5. At this juncture, the Learned Additional Government Pleader for the Respondents fairly submits before this Court that the Respondents will take positive necessary action to consider the representation of the Petitioner dated 12.6.2017 and to remove the encroachments in question, if a reasonable time is granted in this regard.

6. Considering the submission of the Learned Additional Government Pleader for the Respondents, this Court directs the Third Respondent/Tahsildar, Kallakurichi to look into the representation of the Petitioner dated 12.6.2017 with all seriousness and earnestness within a period of one week from the date of receipt of a copy of this order. Thereafter, the Third Respondent shall pass a reasoned speaking order on merits, after looking into the representation of the Petitioner dated 12.6.2017, within a period of six weeks from the date of receipt of a copy of this order. In case, if the Petitioner requires a personal/oral hearing, then the Third Respondent/Tahsildar shall consider such request and grant the same, to prevent aberration of Justice and in furtherance of substantial cause of Justice.

7. With the abovesaid observations and directions, the Writ Petition stands disposed of. Consequently, W.M.P.No.28653 of 2017 is closed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The District Collector
District Collectorate
Villupuram 605 602
2. The Revenue Divisional Officer
District Collectorate
Villupuram 605 602
3. The Tahsildar
Taluk Office
Kallakurichi 606 202

+1cc to Mr. P.Valliappan Advocate, S.R.No. 59892
+2cc to the Government Pleader, S.R.No. 60140 & 60156

W.P.No.26883 of 2017

PPA (CO)
GN(17/09/2018)



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