

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.No.14493 of 2018

R.Rajeshkumar @ Kumar

...Petitioner

Vs.

1.The District Collector,
O/o The Collectorate Office,
Cuddalore District.

2.The Block Development Officer,
Block Development Office,
Panayanthur Village,
V.Mamandhur Post, Thittakudi Taluk,
Cuddalore District.

3.The Revenue Thasildar,
Thasildar Office,
Thittakudi Taluk,
Cuddalore District.

6.M.Senthil `

...Respondents

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PRAYER: Writ petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the respondents 1 to 3
to take action pursuant to his representation dated 06.06.2018.

For Petitioner : R.Thirumoorthy

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader 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 on behalf of respondents 1 to 3.

2. The petitioner in his representation dated 06.06.2018 addressed to the respondents 1 to 3, would aver that he is owning a Punja land admeasuring to an extent of 2.50 acres in Panayathur Village and it was originally owned by his father and after his demise, he is in possession and enjoyment of the same and would further aver that adjacent to the land, there is a waste Poromboke land and it was also in possession of his grand father and by way of succession, petitioner claims to be in possession of the same and paid the statutory levies. It is also stated by the petitioner that on the said land, permission has been granted to the public to put up the Temple admeasuring to an extent of 1 cent and it was in a dilapidated condition and however the 3rd respondent started to renovate the temple and also encroached upon the road lying adjacent to the petitioner's land

and therefore he submitted the above said representation and despite receipt and acknowledgment, no action has been taken and hence he came forward to file this writ petition.

3. Though it is submitted by the learned counsel appearing for the petitioner that the petitioner is not an encroacher, the representation dated 06.06.2018 submitted by him to the 3rd respondent, would disclose that his forefathers had encroached upon the waste poromboke land and he claims to be in possession.

4. Be that as it may, this Court taking into consideration the above facts and circumstances and without going into the merits of the claims projected by the petitioner either in his representation or in this writ petition, directs the 4th respondent to cause inspection of Survey No.183 of Panayathur Village, Thittakudi Taluk, Cuddalore District, after putting the petitioner and the 4th respondent on notice and in the event of any encroachment being found, shall remove the same by following due process of law and such an exercise needs to be carried out within a period of ten weeks from the date of receipt of a copy of this order and the decision taken in this regard shall be communicated to the petitioner, 4th respondent and other encroachers, if any.

M.SATHYANARAYANAN, J.

AND
G.K.ILANTHIRAIYAN, J.
sk

5. In view of the above, the writ petition is disposed of. No costs.

Consequently connected miscellaneous petition is closed.

{M.S.N.J} {G.K.I.J}
18.06.2018

Index : No
Internet: Yes
Speaking Order
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To

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