

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.07.2018

CORAM

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

WP.No.16565/2018

C.Devan

..Petitioner

Versus

1 The District Collector  
Krishnagiri District-635115.

2 The Tahsildar  
Uthangarai Taluk  
Krishnagiri District  
Pin-635207.

3 Srinivasan  
4 Devan  
5 Krishnan  
6 Marappan  
7 Vediappan  
8 Chennakrishnan  
9 Ganesan

...Respondents

Prayer:- Writ 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 consider the petitioner's representation dated 12.03.2018 to remove the illegal encroachment by the respondents 3 to 9 in S.Nos.16/10, 16/18, 16/41, 1/76, 10/1A and 10/7A of Onnakarai Village, Uthangarai Taluk, Krishnagiri District within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.K.Thiruvengadam

For RR 1 and 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 a Public Interest Litigant and a resident of Door No.1/41C, Kummanur, Salamarathu Post, Sulakkarai, Uthangarai Taluk, Krishnagiri District and according to him, the private respondents had

encroached upon the Grama Natham Poromboke Lands being used as pathway in S.Nos.16/10, 18, 41, 76, 10/1A and 10/7A of the said Village for time immemorial and as a consequence, the petitioner as well as the other residents are unable to reach the Community Hall and Temple which lie beyond the said pathway.

3 The learned counsel for the petitioner would submit that the petitioner, in this regard, has also submitted a representation dated 12.03.2018 to the respondents 1 and 2 and in spite of receipt and acknowledgment, no response is forthcoming and therefore, the petitioner is constrained to approach this Court by filing the present 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 2<sup>nd</sup> respondent to cause inspection of the lands in S.No.16/10, 18, 41, 76, 10/1A and 10/7A, of Onnakkarai Village, Uthangarai Taluk, Krishnagiri District, after putting the private respondents and other person/s concerned, on notice and shall also cause inspection of the petitioner's premises bearing Door No.1/41C, Kummanur, Salamarathu Post, Sulakkarai, Uthangarai Taluk, Krishnagiri District for the purpose of finding out as to whether any encroachment had taken place or not and the said exercise is to be carried out within a period of eight weeks from the date of receipt of a copy of this order and the 2<sup>nd</sup> respondent, depending upon the result of the said inspection, shall take appropriate action in accordance with law for removal of encroachments if any, after putting the concerned person/s, which may include the private respondents on notice and pass appropriate orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner, private respondents as well as to the person/s concerned / encroachers if any.

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

Sd/-  
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1 The District Collector  
Krishnagiri District-635115.

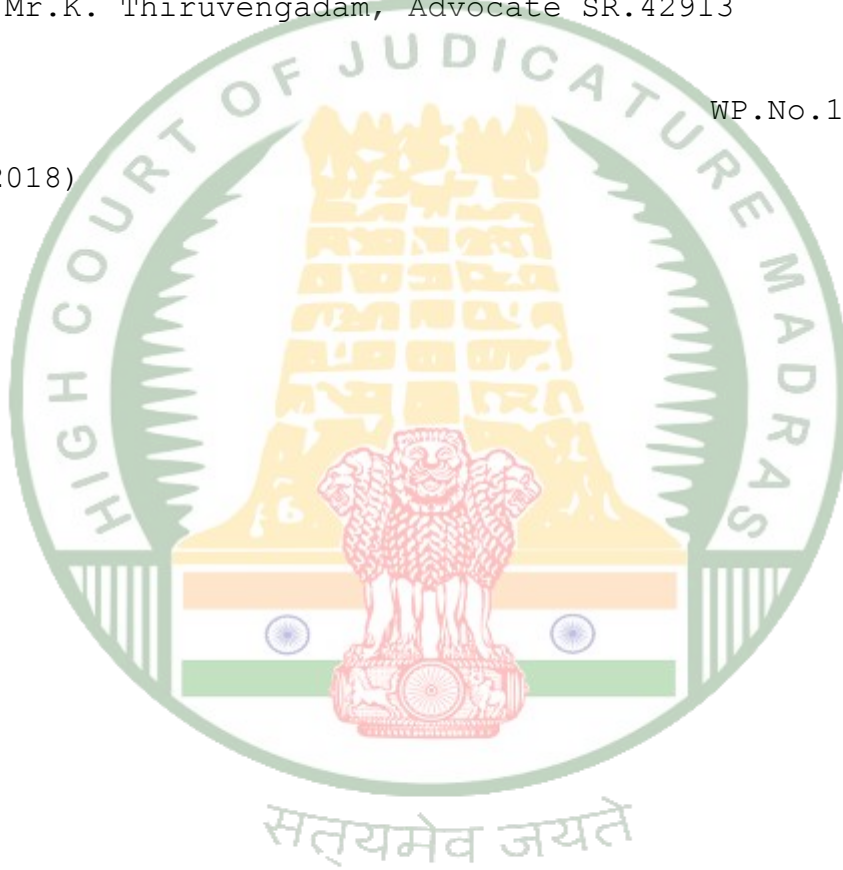
2 The Tahsildar  
Uthangarai Taluk  
Krishnagiri District  
Pin-635207.

+ 1 cc to Mr. Government Pleader Sr.16565

+ 1 cc to Mr.K. Thiruvengadam, Advocate SR.42913

(CO-AR)  
EU(16/07/2018)

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