

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.No.16854/2018

P.Chinnasamy .. Petitioner

Versus

1 The District Collector,
Tiruppur, Tiruppur District.

2 The Tahsildar
Uthukuli Taluk
Tiruppur District.

3 Lakshmi .. 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 representations dated 15.02.2017 and 14.05.2018 and remove the encroachments in public passage bearing SF.No.619/16 of Sengapali Village, Uthukuli Taluk, Tiruppur District.

For Petitioner : Mr.N.Manokaran

For R1 & R2 : Mr.R.Udhayakumar, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The petitioner claims to be a resident of Chinnaripalayam, Sengapalli Village, Uthukuli Taluk, Tiruppur District and according to him, the Tahsildar, Perundurai had granted a house patta bearing No.78 in the name of father [late] Ponnusamy Nadar and his brother Ayyavoo Nadar and after the demise of his father, he has succeeded the estate of his father and he is residing at Door No.2/29 of the said place and he has also been issued with Voters' ID Card, Aadhar Card and the property is also subject to statutory levies. It is the further claim of the petitioner that to have access to his premises, there is public passage and it is used not only by the petitioner but also the other residents and the 3rd respondent, had illegally encroached upon the said public pathway and started putting up a construction. The petitioner has also moved the concerned authority for survey and it was done and the 3rd respondent was instructed to remove the temporary shed put up by her

on the said public pathway/passage and in this regard, the Revenue Inspector, Uthukuli Firka, has also issued Notice dated 27.04.2015 to conduct survey and inspection and thereafter, nothing had happened to remove the encroachment and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the respondents 1 and 2 and also perused the materials placed before it.

4 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 proceed further under the provisions of the Tamil Nadu Land Encroachment Act, 1905, subject to legal interdict if any, and after putting the 3rd respondent and other encroachers on notice, shall take action in accordance with law for the removal of the encroachment and the said exercise is to be carried out within a period of ten weeks from the date of receipt of a copy of this order and

M.SATHYANARAYANAN, J.,
AND
G.K.ILANTHIRAIYAN, J.,

AP

necessary communication shall be sent to the petitioner ; 3rd respondent as well as to the person/s concerned / encroachers if any.

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

[MSNJ] [GKIJ]
 06.07.2018

Internet
 AP

: Yes

To

1 The District Collector,
 Tiruppur, Tiruppur District.

2 The Tahsildar
 Uthukuli Taluk
 Tiruppur District.

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