

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :13.08.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.5406 of 2016

K.Pandian

..Petitioner

vs

1.The District Collector,
Ariyalur District,
Ariyalur.

2.The Sub-Collector,
Ariyalur,
Ariyalur District.

3.The Thasildar,
Ariyalur Taluk,
Ariyalur District.

4.Tamilarasan

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to take appropriate action on the representation dated 14.12.2015 for the restoration of the pathway/cart track in Survey No.133 of Vilangudi Village & Post, Ariyalur Taluk & District as per the revenue records.

For Petitioner : Mr.S.Kamadevan

For Respondents:M/s.A.Srijayanthi, Spl GP for R1 to R3
No appearance for R4

O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to take appropriate action on the representation dated 14.12.2015 for the restoration of the pathway/cart track in Survey No.133 of Vilangudi Village & Post, Ariyalur Taluk & District as per the revenue records.

2.The grievance of the writ petitioner is that cart track, which was in the public usage is encroached by the 4th respondent. In spite of the representations submitted in this regard, no action has been taken by the respondents 1 to 3 to remove the encroachment and allow the people of that locality to

use the public cart track for the usage of all. On account of inaction, the writ petitioner is constrained to move the present writ petition.

3.The learned counsel for the writ petitioner states that it is duty mandatory on the part of the respondents 1 to 3 to ensure that all encroachments in public lands should be removed in accordance with the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905. In spite of the fact that the land belongs to the Government as per the revenue records, the respondents 1 to 3 are not initiating any action and in fact colluding with the 4th respondent.

4.This being the factum of the case, the 1st respondent/the District Collector, Ariyalur District is directed to consider the representation submitted by the writ petitioner on 14.12.2015 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation and documents if any available, along with the order passed in this writ petition.

5.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

kak

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Ariyalur District, Ariyalur.

2.The Sub-Collector,
Ariyalur, Ariyalur District.

3.The Thasildar,
Ariyalur Taluk,
Ariyalur District.

+1cc to M/s.S.Kamadevan, Advocate SR.NO.55720
+1cc to the Government Pleader SR.NO.56116

CP(CO)
sm:29.8.2018

W.P.No.5406 of 2016