

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.25877 of 2018 and
WMP No.30082 of 2018

K.Ganapathy

...Petitioner

-vs-

- 1.The District Collector,
Villupuram, Office of the District Collector,
Villupuram.
- 2.The Special Officer/Block Development Officer (V.P.)
Vellimedupettai Panchayat,
Olakkur Panchayat Union,
Tindivanam Taluk,
Villupuram District.
- 3.The Tahsildar,
Tindivanam Taluk Office,
Tindivanam, Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to conduct enquiry in terms of the communication dated 27.08.2018 in O.Mu.Aa.5/23100/2018 of the first respondent and file a report to the first respondent of the same.

For Petitioner : Mr.S.Siva Sangarane

For Respondents : Ms.Thangavadhana Balakrishnan
Addl.Govt.Pleader

O R D E R

[Order of the Court was delivered by
K.K.SASIDHARAN, J.]

Ms.Thangavadhana Balakrishnan, learned Additional Government Pleader takes notice on behalf of the respondents.

2. The second respondent initiated proceedings under the Tamil Nadu Land Encroachment Act, 1905 against the petitioner alleging that he is in unauthorised occupation of the public property. The petitioner appears to have submitted objection along with a copy to the jurisdictional District Collector. The District Collector in turn forwarded the copy of the representation to the third respondent for enquiry. The prayer in the writ petition is to direct the third respondent to conduct enquiry in accordance with the communication sent by the District Collector.

2. The proceedings in question was initiated by the second respondent. The second respondent is the statutory authority under the relevant Act for taking action for removal of encroachment. The fact that the petitioner has send a copy of the objection to the District Collector and the District Collector forwarded the same to the third respondent would not give a right to the petitioner that the second respondent shall await the orders to be passed by the third respondent after enquiry.

3. We direct the second respondent to consider the objection submitted by the petitioner to the notice issued to him on 30 July 2018 and pass appropriate orders in accordance with law. Status quo with respect to the possession of the property shall be maintained till orders are passed by the second respondent in accordance with law.

4. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The District Collector,
Villupuram, Office of the District Collector,
Villupuram.
- 2.The Special Officer/Block Development Officer (V.P.)
Vellimedupettai Panchayat,
Olakkur Panchayat Union,
Tindivanam Taluk, Villupuram District.

3.The Tahsildar,
Tindivanam Taluk Office,
Tindivanam, Villupuram District.

+1cc to the Government Pleader, S.R.No.68570

W.P.No.25877 of 2018

MR(CO)
CS/30/10/2018



03.10.2018

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