



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

WP.(MD) No.3867 of 2018

C.Thangaraj

... Petitioner

-vs-

1. The District Collector,
Thirunelveli,
Thirunelveli District.
2. The Revenue Divisional Officer,
Thirunelveli,
Thirunelveli District.
3. The Tahsildar,
Sankarankovil Taluk,
Thirunelveli District.
4. Madasamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 16.10.2017 and remove the encroachment made by the 4th respondent in survey No.888 in Vannikkonenthal Village, Sankarankovil Taluk, Thirunelveli District.

For Petitioner : Mr.S.Duraiaraj
For Respondents : Mr.D.Muruganatham, AGP
for RR1 to 3

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

The petitioner has filed this writ petition on account of the fact that the representations given by him for removal of encroachments alleged to have been made by the fourth respondent in S.No.888 in Vannikonenthal Village, Sankarankovil Taluk, Thirunelveli District has not been considered and no action has been taken by the third respondent inspite of the first respondent having forwarded the representation for appropriate action vide proceedings dated 15.07.2015. Subsequently, the petitioner represented to the second respondent, who has also forwarded the representation with



the third respondent vide proceedings dated 25.10.2017 and no action has been initiated.

2.It is not known as to why the third respondent has not proceeded further inspite of his higher officials having issued necessary directions. What is incumbent upon the third respondent to do is to obey the direction of the superior officer and on receipt of the representation forwarded by the District Collector, the third respondent is required to ascertain the facts and then if there is really an encroachment, necessary action should be initiated under the relevant Statute. However, since no action has been initiated by the third respondent, we are constrained to issue appropriate direction.

3.Accordingly, without going into the merits of the claim made by the petitioner, we direct the third respondent to consider the representation given by the petitioner, which has been forwarded by the first respondent vide proceedings dated 15.07.2015 in O.Mu.No.No.A3/35852/15 and by the second respondent vide proceedings dated 25.10.2017 in O.Mu.No.A2/5380/2017 and examine the representation, verify the records and if it is found that there is encroachment, issue notice to the fourth respondent under the relevant Statute and proceed in accordance with law. The above direction to be complied with, within a period of 12 weeks from the date of receipt of a copy of this order.

4.This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thirunelveli,
Thirunelveli District.
2. The Revenue Divisional Officer,
Thirunelveli,
Thirunelveli District.
3. The Tahsildar,
Sankarankovil Taluk,
Thirunelveli District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 51643
+ 1 CC TO Mr.S.DURAIRAJ, ADVOCATE IN SR No. 51095

ARUL

TE/CVC/SAR-4 : 09/03/2018 : 2P/6C

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