



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.01.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

W.P(MD)No.947 of 2018

R.Sekar

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Taluk Office,
Madurai East,
Y.Othakadai,
Madurai.

3.Velayutham

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to remove the encroachments made by the third respondent in the Government poramboke land - Cart track (Vandipathai) comprised in Survey No.63/2B1 situated in Andarkottaram Village, Madurai District by considering the petitioner's representation, dated 28.08.2017 within the time stipulated by this Court.

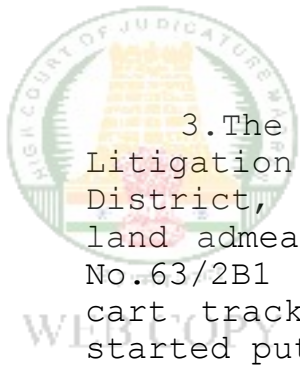
For Petitioner	: Mr.A.R.Kannappan
For Respondents	: Mr.M.Murugan, Government Advocate.

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the Writ Petition itself is taken up for final disposal.

2.Mr.M.Murugan, learned Government Advocate accepts notice on behalf of the respondents.



3.The present Writ Petition is styled as a 'Public Interest Litigation' filed by the residents of Andarkottaram Village, Madurai District, alleging that there is a Government Poramboke cart track land admeasuring to an extent of 1.28.0 acres comprised in Survey No.63/2B1 situated in the said Village and a portion of the said cart track has been encroached by the third respondent and also started putting up a fence.

4.It is the specific case of the petitioner that the said cart track is also not only used by him, but also other residents for very many decades and on account of the encroachment made by the third respondent, the petitioner as well as the other residents are gravely affected and in this regard, he submitted a representation on 28.08.2017 to the respondents 1 and 2. Though, the said representation was received and acknowledged, no response at all is forthcoming and hence, he came forward to file this Writ Petition.

5.Heard the submission of the learned counsel appearing for the petitioner.

6.Though, the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances of the case and without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, directs the second respondent to put the petitioner as well as the third respondent on notice and cause inspection of the land in Survey No.63/2B1 with relevant revenue records, as to whether the said land is a cart track or not, within a period of three weeks from the date of receipt of a copy of this order and depending upon the result of the same, shall take appropriate action in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as the third respondent.

7.The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Madurai District, Madurai.

2.The Tahsildar, Taluk Office, Madurai East,
Y.Othakadai, Madurai.

+One cc to Mr.A.R.Kannapan, Advocate, SR.No.42420

+One cc to The Special Government Pleader, SR.No.42665

mr/ps

RL/5C/2P/KK/SAR1/6/2/2018

W.P (MD) No.947 of 2018