



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD) .No.18829 of 2014

Arulammal

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Block Development Officer,
Kamuthi Panchayat Union,
Kamuthi,
Ramanathapuram District.

3.The Revenue Divisional Officer,
RDO Office, Paramakudi,
Ramanathapuram District.

4.The Tahsildar,
Kamuthi,
Ramanathapuram District.

5.The Commissioner,
Kamuthi Panchayat Union,
Kamuthi,
Ramanathapuram District.

6.Mary

7.Viyagulakani

... Respondents

PRAYER:- Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachments made in Survey No.437/19, extent 00259 sq. ft. in Mudimannarkottai village, Kamuthi Taluk, Ramanathapuram District to take action as per the proceedings of the 2nd and 5th respondents in Na.Ka.A4/4325/13, dated 14.11.2013 and in Na.Ka.A7/4137/2013, dated 04.02.2014, within a stipulated time.

For petitioner

: Mr.F.Deepak

For respondents

: Mr.D.Muruganandham,



For 2nd respondent : Mr.S.Chandrasekar

For respondents 6 & 7 : Mr.Y.Prakash

ORDER

This writ petition has been filed by the petitioner for a Mandamus, to direct the official respondents to remove the encroachments made in Survey No.437/19, extent 00259 sq. ft. in Mudimannarkottai village, Kamuthi Taluk, Ramanathapuram District by taking action as per the proceedings of the 2nd and 5th respondents in Na.Ka.A4/4325/13, dated 14.11.2013 and in Na.Ka.A7/4137/2013, dated 04.02.2014, within a stipulated time.

2. The case of the petitioner is that the respondents 6 and 7 have encroached the natham land, which is being used as common pathway. The grievance of the petitioner is that though the respondent Nos.2 and 5, by separate proceedings dated 14.11.2013 and 04.02.2014 respectively, have directed the officials to remove the encroachment, till date no action has been taken. In this regard, the petitioner's husband made a representation dated 26.05.2014 to the District Collector and thereafter, the petitioner has also made a representation, dated 28.10.2014 to the District Collector and as there was no response to the same, she has filed the present writ petition.

3. Heard the learned counsel appearing for both sides.

4. Considering the relief sought for by the petitioner, this Court, without going into the merits of the case, directs the official respondents to consider the representation of the petitioner, dated 28.10.2014, in the light of the proceedings dated 14.11.2013 and 04.02.2014 and after providing sufficient opportunity to the petitioner as well as the respondents 6 & 7 and necessary parties, to pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar(CS-II)

gcg

To

1.The District Collector,

<https://hcservices.ecourts.gov.in/hcservices/>
Ramanathapuram District,
Ramanathapuram.



2.The Block Development Officer,
Kamuthi Panchayat Union,
Kamuthi,
Ramanathapuram District.

3.The Revenue Divisional Officer,
RDO Office, Paramakudi,
Ramanathapuram District.

4.The Tahsildar,
Kamuthi,
Ramanathapuram District.

5.The commissioner,
Kamuthi Panchayat Union,
Kamuthi,
Ramanathapuram District.

+1cc to Mr.Y.Prakash, Advocate in SR NO.85443

+1cc to Spl Government Pleader SR No.85627

W.P (MD) .No.18829 of 2014

NM/RSK/SAR 2/03.10.18/3P/8C