



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD].No.17744 of 2018

and

W.M.P. (MD) .No.15630 of 2018

M.Sahubar Sathick : Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Theni District, Theni.
- 2.The Personal Assistant to District Collector,
Office of the District Collector,
Theni District, Theni.
- 3.The District Revenue Officer,
Office of the District Collector,
Theni District, Theni.
- 4.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Uthamapalayam Taluk,
Theni District.
- 5.The Tahsildar,
Tahsildar Office,
Uthamapalayam Taluk,
Theni District.

6.Periya Mariyappan : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to remove the encroachment in Survey No.2941 situated in Kombai Village, Uthamapalayam Taluk, Theni District and restore the same to its original position as Kulakarai in conformity with the proceedings of the second respondent in ந.வி.எண் 142/2018/எப்.1, dated 17.05.2018 within the period that may be stipulated by this Hon'ble Court.

For petitioner

: Mr.H.Mohammed Imran

<https://hcservices.ecourts.gov.in/hcservices/>

For respondents

1to5 : Mr.N.Shanmuga Selvam

Additional Government Pleader

**ORDER****[Order of the Court was made by M.M.SUNDRESH, J.]**

The petitioner has filed this Writ Petition as a pro bono publico, inter alia alleging that a government land, which is used as pathway, has been wrongly given by way of patta in favour of the sixth respondent herein.

2. The learned counsel appearing for the petitioner has also made reliance upon the information obtained by the petitioner under the Right To Information Act, 2005, from the second respondent dated 17.05.2018 and the village A Register to buttresses his submission.

3. We do not propose to go into the merits of the case. Admittedly, the representation of the petitioner dated 14.07.2018 is pending consideration. Therefore, we direct the fifth respondent to consider and pass appropriate orders on the same, after putting the petitioner as well as the sixth respondent on notice, within a period of six weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Collector,
Office of the District Collector,
Theni District, Theni.
2. The Personal Assistant to District Collector,
Office of the District Collector,
Theni District, Theni.
3. The District Revenue Officer,
Office of the District Collector,
Theni District, Theni.
4. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Uthamapalayam Taluk,
Theni District.



5.The Tahsildar,
Tahsildar Office,
Uthamapalayam Taluk,
Theni District.

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+1CC to M/S.AJMAL ASSOCIATES, Advocate, SR.No. 78182
+1CC to the Special Government Pleader SR.No. 78413

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NB
ES/RP/SAR 3/27.08.2018/3P/8C