



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.03.2018
CORAM

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

W.P. (MD) .No.23549 of 2017

V.Veliah

... Petitioner

Vs.

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Block Development Officer,
Salaiputhur,
Nanguneri Taluk,
Tirunelveli,
Tirunelveli District.

3.The Tahsildar,
Nanguneri,
Tirunelveli,
Tirunelveli District.

4.Shanmugathai

5.Subramaniya Thevar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 23.10.2017.

For Petitioner : Mr.M.Shema Daniel

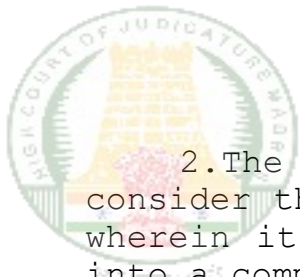
For R1 to R3 : Mr.D.Muruganantham
Addl. Government Pleader

For R4 : Mr.D.Venkatesh

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.M.Shema Daniel, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondent 1 to 3 and Mr.D.Venkatesh, learned counsel appearing for the fourth respondent.



2.The petitioner seeks for a direction upon the respondents to consider the representation dated 23.10.2017 given by the petitioner wherein it is alleged that the respondents 4 and 5 have encroached into a common pathway.

3.The factual position needs to be verified from the revenue records and thereafter, an inspection has to be conducted only then the exact state of affairs can be made. The petitioner's representation dated 23.10.2017 is now pending before the third respondent.

4.In the light of the same, without going into the merits of the contention raised by the petitioner, we direct the third respondent to issue notice to the petitioner and the respondents 4 and 5 and depute one Officer to inspect the site in question and based upon such inspection and after hearing the parties, the third respondent shall pass an order on merits and in accordance with law and communicate the same to the petitioner as well as the respondents 4 and 5. In that event, there is any encroachment made either by the respondents 4 and 5 or any other party, the same shall be removed by the third respondent by following the proper procedure under the relevant law. The aforesaid direction shall be complied with by the third respondent, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Tirunelveli, Tirunelveli District.

2.The Block Development Officer,
Salaiputhur, Nanguneri Taluk,
Tirunelveli, Tirunelveli District.

3.The Tahsildar, Nanguneri,
Tirunelveli, Tirunelveli District.

+One cc to M/s.D.Venkatesh, Advocate, SR.No.54922

+One cc to M/s.M.Shema Daniel, Advocate, SR.No.54763

+One cc to The Special Government Pleader, SR.No.55150

Ns

RL/7C/2P/JC/SAR1/27/3/2018

W.P. (MD).No.23549 of 2017

13.03.2018