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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.2004 of 2016

Soman

... Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

3.The Tahsildar,
Sivagangai Taluk, Sivagangai District.

4.Karuppaiyah

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to dispose of the petitioner's representation dated 28.12.2015 to remove the encroachment made by the fourth respondent in the Vari Poromboke situated in Survey No.350 at Kovanur Village Group, Sivagangai Taluk, Sivagangai District which is the water course from the Pilloor Periya Kanmaai.

For Petitioner

: Mr.V.Kannan

For Respondents

: Mr.M.Murugan

Government Advocate

for R.1 to R.3

: No Appearance

for R.4

ORDER

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

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

2. It is a specific case of the petitioner that the fourth respondent had encroached upon a land, classified as "Vari Poromboke", situate in Survey No.350, Kovanur Village Group, Sivagangai Taluk, Sivagangai District and in this regard, the petitioner submitted a representation, dated 28.12.2015 to the respondents 1 to 3 and despite receipt of acknowledgement, no orders have been passed and hence, the petitioner is constrained



to file the present Writ Petition.

3. The learned Counsel appearing for the petitioner has drawn the attention of this Court to the typed set of papers and would submit that though the representation has been submitted to the concerned Officials, they have not paid their attention to the act of illegality committed by the fourth respondent in the form of encroachment, on the water course and since no action has been taken up by the official respondents, the petitioner, left with no other option except by approaching this Court, has filed this Writ Petition.

4. Heard the learned Counsel appearing for the respondents 1 to 3, who would submit that appropriate orders may be passed by directing the third respondent to take action on the act of illegality committed by the fourth respondent.

5. Though the petitioner sought for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the case projected by the petitioner either in his representation dated 28.12.2015 or in this Writ Petition, permits the petitioner to submit one more representation to the third respondent along with a copy of this order as well as a copy of the earlier representation dated 28.12.2015 with relevant supporting documents as to the nature of the land in question, within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the third respondent shall put the fourth respondent on notice and dispose of the petitioner's representation on merits and in accordance with law and pass appropriate orders within a period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the fourth respondent.

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

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District, Sivagangai.

2. The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

<https://hccourt.gov.in/links/Service/links/links/>

3. The Taluk Officer,
Sivagangai Taluk, Sivagangai District.



+1cc to Mr.V.KANNAN, Advocate, SR. 40044

+1cc to M/S.Special Government Pleader, SR. 40264

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