

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.7150 of 2012

C.Venkatasalam

.. Petitioner

Versus

1. The District Collector,
Dharmapuri
Dharmapuri District.
2. The Superintend of Police
Dharmapuri
Dharmapuri District.
3. The Revenue Divisional Officer
Harur Dharmapuri
Dharmapuri District.
4. The Tashildar
Pappireddipatti Taluk
Dharmapuri District.
5. The Panchayat President
Obulinaickanhalli Panchayat
Pappireddippatti Taluk
Dharmapuri District.

6. Adimoolam

.. Respondents

PRAYER:-

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to dispose of the petitioner representation dated 03.03.2012.

For Petitioner :: Mr.M.Ravi

For RR 1 to 5 :: Mr. P.S.Siva Shanmuga Sundaram
 Special Government Pleader

ORDER

The Writ Petition had been filed seeking a mandamus against the respondents, who have been listed as District Collector, Superintendent of Police, Revenue Divisional Officer, Tashildar and Panchayat President, to consider the representation of the petitioner dated 03.03.2012. The Writ Petition had been filed very immediately on 16.03.2012.

2. The grievance of the writ petitioner is that he is residing in Konambattiyam Kottai along with 12 families. The sixth respondent, namely, Adimoolam, is said to have obstructed the passage. It is claimed that he has encroached the porombokku land covering 2 acres in S.No. 141/12, in Asthagiriyur, Obulinaickanhalli (P.O.), Pappireddippatti Taluk, Dharmapuri District.

3. The petitioner claimed that the sixth respondent is continuously threatening and blocking the passage with the assistance of the fifth respondent, namely, the Panchayat President of Obulinaickanhalli Panchayat. The grievance of the petitioner is appreciated. However there are alternate reliefs which the petitioner can initiate depending on the facts of the case.

4. It is also represented by Mr. P.S.Siva Shanmuga Sundaram, learned Special Government Pleader, that the Government had specifically passed G.O.Ms.No. 540 Revenue [LD6 (2)] Department dated 04.12.2014 providing the manner in which aggrieved persons have to initiate necessary proceedings before the Revenue Authorities to remove encroachment.

5. It is in the interest of the writ petitioner that he seeks a specific relief to remove the encroachment, if at all the sixth respondent had encroached on to the Government Porombokku land. Seeking a Mandamus to direct the respondents to consider the representation would be of no effective help to the petitioner.

6. Consequently, giving liberty to the writ petitioner to avail any other alternate remedy as he is so advised, the Writ Petition is disposed of. It is made clear that the disposal of this Writ Petition would not stand in the way of the writ petitioner seeking alternate remedies.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Vsg

To

1. The District Collector,
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Dharmapuri District.
5. The Panchayat President
Obulinaickanhalli Panchayat
Pappireddippatti Taluk
Dharmapuri District.

+1cc to Mr.M.Ravi, Advocate, S.R.No.41856
+1cc to the Government Pleader, S.R.No.41929

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CP(CO)
CS/27/06/2019