

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.24674 of 2019

K.N.Kumarasamy

..Petitioner

Versus

1. The District Collector,
Tirupur District,
Tirupur.

2. The Revenue Divisional Officer,
Tirupur Division,
The Office of the District Collector,
Tirupur.

3. The Tahsildar,
Palladam Taluk,
Palladam, Tirupur District.

4. The Commissioner,
Paladam Municipality,
Paladam, Tirupur District.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the 3rd respondent herein to comply with the direction issued by the 1st Respondent herein in Na.Ka.No.7023/2019/A3 dated 30/05/2019 for removal of the encroachments made in the Village Pond called as Senkuttai comprised in S.F.No.499 with an extent of 0.99.5 Hectares of Naranapuram Village, Palladam Taluk, Tirupur District.

For Petitioner : Mr.P.M.Duraiswamy

For Respondents: Mr.V.Jayaprakash Narayanan

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent of both parties, this writ petition is taken up for final disposal.

2.Heard, the submissions of Mr.P.M.Duraisamy learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned counsel appearing for the respondents 1 to 3.

3. The petitioner claims to be a Public Interest Litigant and alleging that there is an encroachment in the S.F.No.499 of Naranapuram Village, Palladam Taluk, Tirupur District, which is classified as Pond(Senkuttai) . The Petitioner had sent repeated representations and the last was on 27.05.2019, submitted to the first respondent in person. The first respondent vide letter dated 30.05.2019 in Na.Ka.No.7023/2019/A3, directed the third respondent to take appropriate action in terms of G.O.Ms.No.540/Revenue/L.T6(2)/Dept. dt.04.12.2014. Thereafter, the second respondent vide communication dated 10.06.2019 directed the fourth respondent to take appropriate action on the representation submitted by the petitioner and inform the decision taken to the petitioner.

4.The learned counsel for the petitioner states that despite a lapse of six months from the date of the said communication nothing is moving forward. Left with no other option, the petitioner is constrained to approach this Court.

5.The learned counsel for the respondents submits that suitable instructions will be given to the third respondent to comply with the above cited letter of the first respondent dated 30.05.2019.

6.This Court considered the rival submissions and also perused the materials placed on record.

7.This Court taking into consideration the limited scope of prayer sought for by the petitioner, without going to the merits of the case, directs the third respondent to comply with the directions of the first respondent dated 30.05.2019 in Na.Ka.No.7023/2019/A3 and after putting the encroacher on notice and shall take action in accordance with law. The said exercise will be completed within a period of 10 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the persons concerned.

8.The writ petition is disposed of accordingly. No costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Tirupur District,
Tirupur.

2.The Revenue Divisional Officer,
Tirupur Division,
The Office of the District Collector,
Tirupur.

3.The Tahsildar,
Palladam Taluk,
Palladam, Tirupur District.

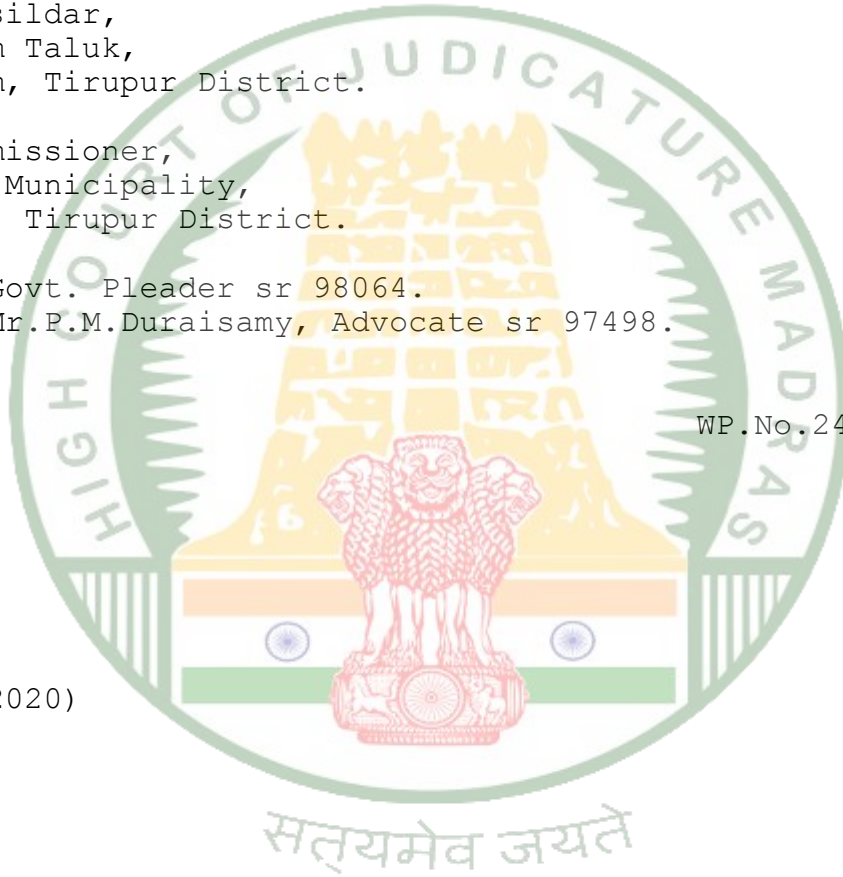
4.The Commissioner,
Paladam Municipality,
Paladam, Tirupur District.

+1 CC to Govt. Pleader sr 98064.

+1 CC to Mr.P.M.Duraisamy, Advocate sr 97498.

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RP(CO)
SP(02/01/2020)



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