

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.10.2019

CORAM

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

WP.NO.29958 OF 2019

Subramaniam

.. Petitioner

Versus

1. The District Collector
Thiruppur.

2. The Tahsildar
Four Roads, Palladam,
Thiruppur District.

3. Raman

.. Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 herein to remove the encroachment caused by the 3rd respondent over the public road existing at SF.No.254, at Nallurpalayam Village, Ganapathipalayam, Thiruppur District by considering the representation of the petitioner dated 14.09.2019 and 10.10.2019 within an appropriate time.

For Petitioner : Mr.R.Nalliyappan

For R1 & R2 : Mr.R.Udhayakumar, AGP

ORDER

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

(1) By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

(2) The petitioner claims to be the absolute owner of the agricultural lands in S.Nos.257/1 and 258/1 of Nallurpalayam Village, Ganapathypalayam, Palladam Taluk, Tiruppur District and according to him, for having access to the agricultural lands, there is a pathway available on the East-West of his

land and it goes through Natham Old S.No.254 and 257/1 and according to the petitioner, the said pathway has been classified as Natham Poramboke as per the Government records.

(3)The learned counsel for the petitioner would submit that the petitioner, in this regard, has submitted a representation dated 14.09.2019 to the concerned official respondent, based on which, the office of the 1st respondent has sent a Memo dated 30.09.2019 in O.Mu.No.14533/2019/Aa3 to the 2nd respondent to take appropriate action in terms of G.O.Ms.No.540, Revenue [LD6 [2]] Department dated 04.12.2014 and despite such a direction, no further action is being taken to remove encroachment and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

(4)This Court heard the arguments advanced by the learned counsel for the petitioner and also perused the materials placed before it.

(5)A perusal and consideration of the materials placed before this Court, would prima facie disclose that to sustain the case of the petitioner as to the classification of the land as Natham Poramboke in Old Survey No.254, no material has been placed.

(6)The Court heard the submissions of Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the respondents 1 and 2.

(7)This Court, taking into consideration the facts and circumstances of the case and without going into the merits of the claim projected by the writ petitioner, either in his representation or in this representation, directs the 3rd respondent to comply with the direction of the office of the Sub Registrar in the Memo dated 30.09.2019 in O.Mu.No.14533/2019/Aa3 and after putting the 3rd respondent on notice, shall take appropriate action in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner as well as to the 3rd respondent.

(8)The writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

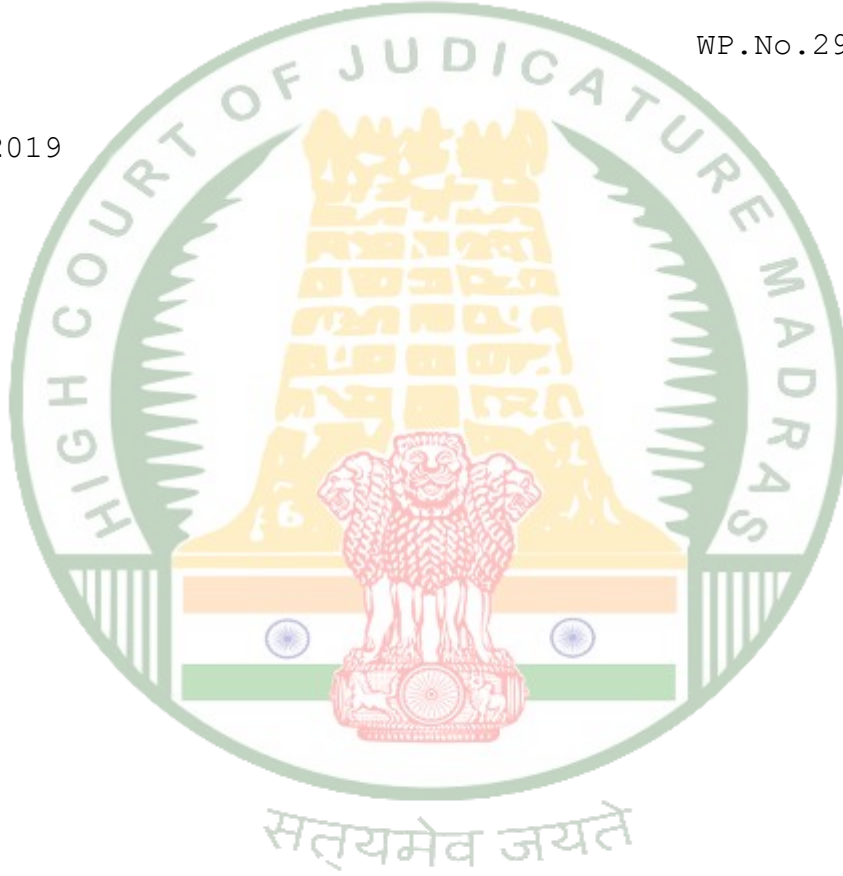
To

1. The District Collector
Thiruppur.
2. The Tahsildar
Four Roads, Palladam,
Thiruppur District.

+lcc to Mr.R.Nalliyappan, Advocate, S.R.No.88146
+lcc to the Government Pleader, S.R.No.88746

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JP (CO)
CS/25/10/2019



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