

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.30157 /2019

Manjunatha Reddy

Petitioner

Versus

1.The District Collector
Krishnagiri District.

2.The Sub Collector
Hosur, Krishnagiri District.

3.The Thasildar
Denkanikottai Taluk
Krishnagiri District.

4.Mrs.Parvathamma

5.Venkatasamy

6.Mariappa

7.Mrs.Lakshiyamma

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 to remove the illegal encroachment by the Respondents 4 to 7 in Government Poramboke pathway comprised in Survey No.464 of Kottamadugu Village, Denkanikottai Taluk, Krishnagiri District, based on the petitioner's representation dated 14.08.2019 within a stipulated time to be fixed by this Court.

For Petitioner : Mr.K.Thiruvengadam

For RR 1 to 3 : Mr.V.Jayaprakash Narayan, GP

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal. Mr.V.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of the respondents 1 to 3.
- (2) The petitioner claims to be an agriculturist and according to him, vide Registered Partition Deed No.1352/1991 dated 11.09.1991, the petitioner's father succeeded the estate in the form of landed property admeasuring to an extent of 0.81.0 Hectares at Kottamadugu Village S.No.465/1 as well as other lands and was in possession and enjoyment till his demise on 22.05.2017 and thereafter, the said properties were inherited by the legal heirs which include the petitioner also. It is the specific case of the petitioner that on the Western side of the land, there exist a pathway in S.No.464 and it is located on the Government land and using the said land, they are having access to their agricultural lands. It is also the grievance of the petitioner that the private respondents had not only encroached upon the said public pathway ; but also started putting up unauthorised constructions and in this regard, the petitioner submitted a representation dated 14.08.2019 to the 1st respondent with copies marked to the other official respondents and despite receipt and acknowledgment, no action whatsoever, has been taken and therefore, the petitioner is constrained to approach this Court by filing the present writ petition in the form of Public Interest Litigation.
- (3) This Court heard the submissions of the learned counsel for the petitioner and Mr.V.Jayaprakash Narayan, learned Government Pleader appearing for the respondents 1 to 3 and also perused the materials placed before it.
- (4) Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 3rd respondent to consider the representation dated 14.08.2019 submitted by the petitioner and after putting the petitioner as well as the private respondents and the other person/s concerned on notice, shall take action in accordance with law and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner, private respondents as well as to the person/s concerned.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Krishnagiri District.

2.The Sub Collector
Hosur, Krishnagiri District.

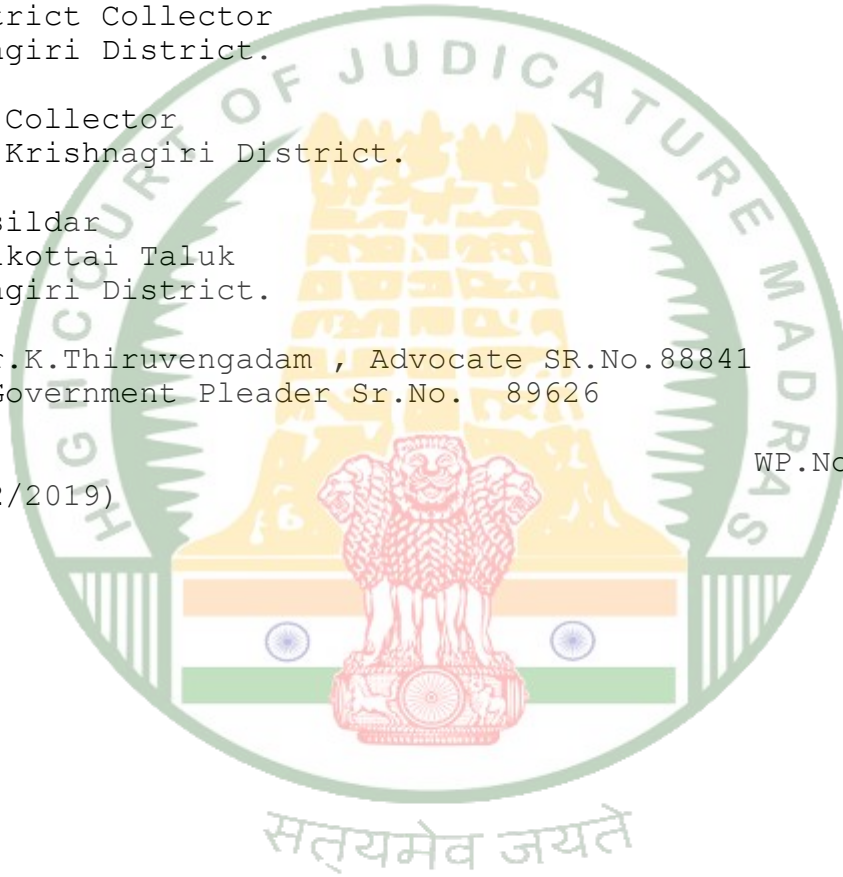
3.The Thasildar
Denkanikottai Taluk
Krishnagiri District.

+1cc to Mr.K.Thiruvengadam , Advocate SR.No.88841

+1 cc to Government Pleader Sr.No. 89626

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A.SK(03/12/2019)



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