

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAISWAMY

W.P. No.30058 of 2018

N.K.Palanisamy

...Petitioner

-Vs-

1. The District Collector,
Namakkal District, Namakkal.
2. The Revenue Divisional Officer,
Tiruchengode Taluk, Tiruchengode.
3. The Tahsildar
Tiruchengode Taluk,
Tiruchengode, Namakkal District.
4. T.Shanmugam
5. T.Gopal

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the Respondents to consider petitioner's representation dated 05.02.2018 and consequently direct them to remove the encroachment made at Lake Stream in Survey No.77/1, Kumarapuram Village, Mousi Sub-Taluk, Tiruchengode Taluk, Namakkal District, by the Respondents 4 and 5.

For Petitioner : Mr.T.Muthukrishnan

For Respondents : Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c.) for RR 1 to 3
: Mrs.R.Shase
for Mr.M.Guruprasad for RR 4 & 5

O R D E R

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

The petitioner has filed the above writ petition to issue writ of mandamus directing the respondents to consider the petitioner's representation dated 05.02.2018 and consequently, directing them to remove the encroachment made at lake stream in S.No.77/1, Kumarapuram Village, Mousi Sub-Taluk, Tiruchengode Taluk, Namakkal District, by respondents 4 and 5.

2.It is the case of the petitioner that respondents 4 and 5 have encroached the lake stream in S.No.77/1. However, the official respondents have not taken any action against them for removing the encroachment.

3.The learned Government Pleader (i/c.) appearing for respondents 1 to 3 submitted that notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, was issued to the encroachers and subsequently, notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, was also passed, against which, respondents 4 and 5 have filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and the first respondent/ District Collector, by order dated 12.10.2018, disposed of the appeal finding that respondents 4 and 5 have encroached the land in S.No.77/1 measuring an extent of 1.76.0 hectares.

4.Since respondents 1 to 3 have already initiated action and the appeal filed by respondents 4 and 5 was also disposed of by the first respondent, we do not find any reason to pass any further order in this writ petition.

Accordingly, the writ petition is disposed of. No costs.

sra

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Namakkal District, Namakkal.

2.The Revenue Divisional Officer,
Tiruchengode Taluk, Tiruchengode.

3.The Tahsildar
Tiruchengode Taluk,
Tiruchengode, Namakkal District.

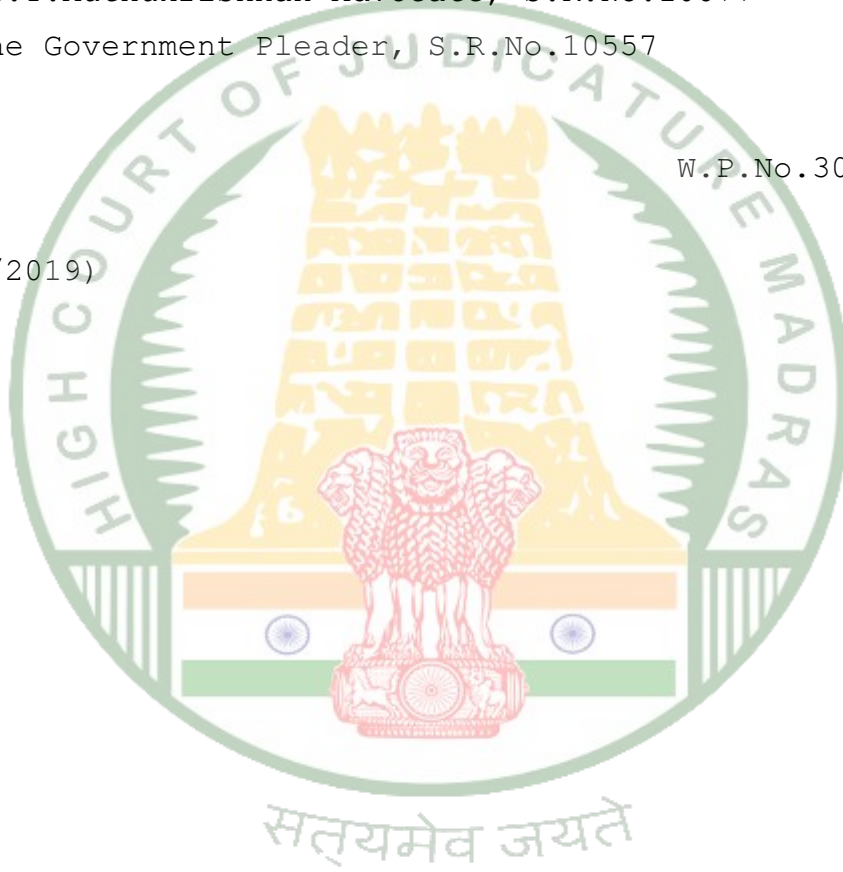
+1cc to Mr.M.Guruprasad, Advocate, S.R.No.10465

+1cc to Mr.T.Muthukrishnan Advocate, S.R.No.10877

+1cc to the Government Pleader, S.R.No.10557

W.P.No.30058 of 2018

Kak(06/03/2019)



WEB COPY