

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN  
AND  
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.6293 of 2020

S.Subramani

... Petitioner

Vs

1. The Commissioner,  
Panchayat Union Office,  
Veerapandi,  
Salem District.

2. The Tahsildar,  
Salem West,  
Salem - 5.

3. Seerangan Gounder

... Respondent

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Respondents 1 and 2 to consider the Petitioner's representation dated 23.09.2019 consequently direct them to remove unauthorized construction erected by the Third Respondent.

For Petitioner : Mr.B.Manimaran

For Respondents: Mr.M.Loganathan,  
Standing Counsel (for R1)

Mr.P.S.Sivashanmuga Sundaram,  
Special Government Pleader  
(for R2)

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

It is the case of the Petitioner that the Petitioner is the owner of the property comprised in Survey No. 15/12 at Amany Mara Mangalathupatti, Salem Taluk. The said property is said to have been encroached by the Third Respondent. In this regard,

the Petitioner has given representation dated 23.09.2019 to the First Respondent. Since no action has been taken, the Petitioner has come before this Court.

2. Heard Mr.B.Manimaran, learned Counsel for the Petitioner, Mr.M.Loganathan, learned Standing Counsel for the First Respondent and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader for the Second Respondent.

3. Notice to the Third Respondent at this stage is not necessary. Since the learned Counsel for the Petitioner would submit that the third Respondent has interfered upon his property, Article 226 of the Constitution of India cannot be invoked. Hence, the Petitioner is directed to file a Civil Suit before the appropriate forum for eviction of the Third Respondent. However, the First Respondent is directed to consider the representation dated 23.09.2019 made by the Petitioner and dispose of the same within a period of four weeks from the date of receipt of a copy of this order.

4. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,  
Panchayat Union Office,  
Veerapandi, Salem District.

2. The Tahsildar,  
Salem West, Salem - 5.

+1cc to Mr.B.Manimaran, Advocate, S.R.No.24141

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VSNII (CO)  
CS/21/07/2020