

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29387 of 2013

Venkatasamy Reddy

.. Petitioner

Vs

1. The Collector,
Krishnagiri District,
Krishnagiri.
 2. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
 3. The Tahsildar,
O/o.The Taluk Office,
Hosur.
 4. The Panchayat President,
Echankur Panchayat,
Bagalur Post, Hosur Taluk.
- ... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose the representation given by the petitioner dated 05.06.2013 in relation of Water Channel being declared as cart track in Survey No.83 to 138 (Eri) via 84, 85, 106, 107 and 108.

For Petitioner : Mr.P.Subba Reddy

For Respondent : Mr.V.Shanmugasundar,
Special Government Pleader

ORDER

This Writ Petition is heard through Video Conference on account of COVID-19 pandemic situation.

2. The petitioner seeks a direction to the respondents to dispose the representation given by him on 05.06.2013 in relation of Water Channel being declared as cart track in Survey No.83 to 138 (Eri) via 84, 85, 106, 107 and 108.

3. The petitioner claims that he is the owner of the lands in Survey No.107, Sokkanadhapuram Village, having inherited the same from his ancestors and he is cultivating Mulberry plants in the said land. The said land was irrigated by using the water channel running through Survey Nos.83 to 138 (Eri) via 84, 85, 106, 107 and 108. A suit for injunction was filed against the petitioner and others on the ground that they are preventing the villagers from using the cart track located in Survey No.107, in which, an Advocate Commissioner was appointed, but the commission was not executed till the date of filing the writ petition. Since the petitioner was prevented from enjoying the lands owned by him, he preferred a representation on 05.06.2013 seeking action, which yielded no response. Hence, the petitioner is before this Court with the above prayer.

4. Heard the learned counsel on either side. The learned Government Advocate submits that the subject land is an Eri and the petitioner cannot claim ownership over the same.

5. Be that as it may, the representation preferred by the petitioner as early as on 05.06.2013 is pending before the official respondents. In such circumstances, without expressing anything on the merits of the said representation, the third respondent is directed to consider the representation dated 05.06.2013 and pass orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and the others persons concerned. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Collector,
Krishnagiri District,
Krishnagiri.
2. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

3. The Tahsildar,
O/o.The Taluk Office,
Hosur.

+1cc to Mr.P.Subbareddy, Advocate SR.31365

W.P.No.29387 of 2013

EV(CO)
CB(19/10/2020)



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