

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.14940/2020

K.Ilancheliyan .. Petitioner

Versus

- 1.The District Collector
District Collectorate
Kallakurichi District.
- 2.The Revenue Divisional Officer
Kallakurichi Taluk,
Kallakurichi.
- 3.The Tahsildar
Chinnasalem Taluk
Kallakurichi District.
- 4.The Executive Officer
Vadakkanandal Town Panchayat
Vadakkanandal, Chinnasalem Taluk
Kallakurichi District.

5.Periyammal .. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 20.03.2020 by removing the encroachments made upon in the Odai Pattai situated Survey No.92, Venkattammampet Village, Chinnasalem Taluk, Kallakurichi District.

For Petitioner : Mr.V.Gunasekar

For RR 1 to 4 : Mr.V.Jayaprakash Narayan
Government Pleader

ORDER

(1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.

(2)Mr.V.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of respondents 1 to 4.

(3)The petitioner who owns lands in S.No.93 of Venkattammamet Village, Chinnasalem Taluk, Kallakurichi District, came forward to file this writ petition, alleging that the 5th respondent had encroached upon a public pathway in S.No.92, thereby preventing access to the petitioner as well as to the others to the agricultural lands and in this regard, a representation dated 26.08.2019 was also submitted to the 1st respondent, who in turn, sent a Memo dated 26.08.2019 in O.Mu.No.A5/23662/2019 to the 3rd respondent for taking appropriate action and despite a lapse of nearly one year and odd, nothing has been done to alleviate the grievance of the petitioner and therefore, he is constrained to approach this Court by filing this writ petition.

(4)The learned counsel for the petitioner would submit that subsequently, a representation dated 20.03.2020 was also submitted to the 1st respondent with copies marked to the other official respondents and despite receipt and acknowledgment of the said representation, no action whatsoever has been taken to remove the encroachment caused by the 5th respondent and hence, prays for appropriate orders.

(5)The Court heard the submissions of Mr.V.Jayaprakash Narayan, learned Government Pleader appearing for the respondents 1 to 4 and also perused the materials placed before it.

(6)Though the petitioner had prayed for a larger relief, this Court, in the light of the above facts and circumstances of the case 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 act on the communication in the form of the above cited Memo dated 26.08.2019 issued by the 1st respondent and cause inspection of Venkattammamet Village S.No.92 with the help of the revenue records and if the result of the inspection reveals any encroachment / obstruction, shall put the 5th respondent on notice and by following due process of law and also adhering to the principles of natural justice, shall take appropriate action in this regard within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner, 5th respondent as well as the other person/s / encroachers, if any. If the 3rd respondent requires the assistance of the 4th respondent, the 4th respondent shall also render necessary assistance in this regard.

(7)The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
District Collectorate, Kallakurichi District.
- 2.The Revenue Divisional Officer
Kallakurichi Taluk, Kallakurichi.
- 3.The Tahsildar
Chinnasalem Taluk, Kallakurichi District.
- 4.The Executive Officer
Vadakkanandal Town Panchayat
Vadakkanandal, Chinnasalem Taluk
Kallakurichi District.

+lcc to Mr.V.Gunasekar, Advocate SR.34464

WP.No.14940/2020

SVI (CO)
CB(10/11/2020)