

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2020

CORAM

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

WP.No.16574/2020 & WMP.No.20553/2020

A.Vijayakumar .. Petitioner

Versus

1.The District Collector
Villupuram, Villupuram District.

2.The Revenue Tahsildar
Gingee, Villupuram District 604 202.

3.The Block Development Officer
Gingee, Villupuram District.

4.The VAO
Thandavasamuthiram Village
Gingee Taluk, Villupuram District 604 151.

5.Perumal

6.Elumalai

7.Palani

8.Nathamani

9.Silambarasan

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2nd respondent to take appropriate action against the respondents 5 to 9 as requested in the representation dated 30.12.2019 and as directed by the 1st respondent in the proceeding dated 02.01.2020 and remove the encroachment.

For Petitioner : Mr.M.Devaraj
For RR 1 to 4 : Ms.R.J.Radhika
Government Advocate

ORDER

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

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

(2) Ms.R.J.Radhika, learned Government Advocate accepts notice on behalf of the respondents 1 to 4.

- (3)The petitioner is a practising Advocate and in the representation dated 30.12.2019 submitted to the 1st respondent, he would state among other things that he is the owner of some extent of lands comprised in S.No.204 of Thandavasamuthiram Village and according to him, the Government in S.No.203/1, has constructed a space for drying the crops and the private respondents, had not only encroached upon the same, but also put up wholly unauthorized structures.
- (4)The learned counsel for the petitioner would submit that the office of the 1st respondent, responding to the representation dated 02.01.2020 submitted by the petitioner, had sent a Memo dated 02.01.2020, in O.Mu.Aa5/17/2020 to the 2nd respondent to take appropriate action and it is also followed by one more communication sent by 3rd respondent to the 2nd respondent dated 02.01.2020 in Na.Ka.No.Aa1/0005/2020 and despite a lapse of nearly ten months and odd, no action whatsoever, has been taken to remove the encroachments and hence, prays for appropriate orders.
- (5) Per contra, Ms.R.J.Radhika, learned Government Advocate appearing for the respondents 1 to 4 would submit that instructions have already been given to act on the above cited communications.
- (6)This Court has considered the rival submissions and also perused the materials placed before this Court.
- (7)This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 2nd respondent to act on the communication / Memo of the 1st respondent in O.Mu.No.Aa5/17/2020 as well as the communication of the Block Development Officer dated 02.01.2020 in Na.Ka.No.Aa1/0005/2020 and depending upon the survey and inspection, if it is revealed that there are encroachments caused by the private respondents or any other person/s, shall take immediate, necessary and appropriate action in accordance with law and also by adhering to the principles of natural justice and complete the said exercise 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, private respondents as well as to the other persons concerned, if any.
- (8)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

AP

To

1.The District Collector
Villupuram, Villupuram District.

2.The Revenue Tahsildar
Gingee, Villupuram District 604 202.

3.The Block Development Officer
Gingee, Villupuram District.

4.The VAO
Thandavasamuthiram Village
Gingee Taluk, Villupuram District 604 151.

WP.No.16574/2020

KVL(CO)
GN(11/12/2020)



WEB COPY