

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WP.No.19232/2020

P.Shanmugam

.. Petitioner

Versus

1.The District Collector,
Salem District, Salem.

2.The Sub Collector,
Mettur Revenue Division,
Salem District.

3.The Tahsildar,
Omalur Taluk,
Salem District.

4.The Block Development Officer,
Omalur, Salem District.

5.Sitheswaran

6.Narayanan

7.Vadivel

8.Ravi

.. 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 remove encroachments comprised in S.F.No.31/1, 61, 62, 63 and 64 situated at Puliampatti Village, Omalur Taluk, Salem District based on the representation of the petitioner dated 10.11.2020.

For Petitioner : Mr.C.Prabakaran

For RR 1 to 4 : Mr.Kamaleshkannan
Government Advocate

ORDER

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

The petitioner is an elected President of Puliampattu Panchayat and according to him, the private respondents had encroached upon the land in S.F.No.31/1, 61, 62, 63 and 64 situated at Puliampatti Village, Omalur Taluk, Salem District, which is classified as 'Cart Track', as per the 'A' Registrar relating to No.61, Puliampattu Panchayat.

2. The learned counsel appearing for the petitioner would submit that as early as on 06.10.2016, the petitioner has submitted a representation, based on which, the office of the 2nd respondent has sent a

Memo in O.Mu.No.1147-2016-C, dated 21.10.2016, to the 3rd respondent to take appropriate action and inform the same to their office. It is also followed by a representation dated 17.08.2020, submitted by the petitioner to the 3rd respondent to survey and measure the Puliampatti Panchayat lands in S.F.Nos.61, 64 and 16.30/29.

3. The learned counsel appearing for the petitioner would submit that apart from the same, the Puliampattu Panchayat Union has also passed the resolution no.13, praying for removal of encroachment and provision of other public amenities and despite the same, the respondents remain totally insensitive to the genuine request and further points out that the representation dated 10.11.2020, submitted in this regard is yet to invoke any kind of response and left with no other option, he is constrained to approach this Court by filing this Writ Petition.

4. This Court has considered the rival submissions and also perused the materials placed before it.

5. This is one more case of non-responsive attitude on the part of the official respondents and it *prima facie* appears that the official

concerned became totally insensitive to the genuine public grievance, given by the persons concerned, in the form of representations and they are kept embolden, on account of the fact that the superior officials / administrative heads did not monitor the functioning of the said officials and only if proper proceedings including departmental proceedings are initiated, some order would be put in place.

6. This Court taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this Writ Petition, directs the respondents 3 and 4 to cause joint inspection of the land in S.F.Nos.31/1, 61, 62, 63 and 64 and if the result of the inspection reveals any infraction on the part of the private respondents or any other persons, shall take immediate, necessary and appropriate steps, in accordance with law, by also 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 / uploading of the order in the website and communicate the decision taken, to the petitioner as well as to the private respondents.

7. The Writ Petition stands disposed of accordingly. No costs.
Consequently connected miscellaneous petition is closed.

Call on 10.03.2021. Status Report of the respondents 3 and 4 with
supporting documents and photographs by then.

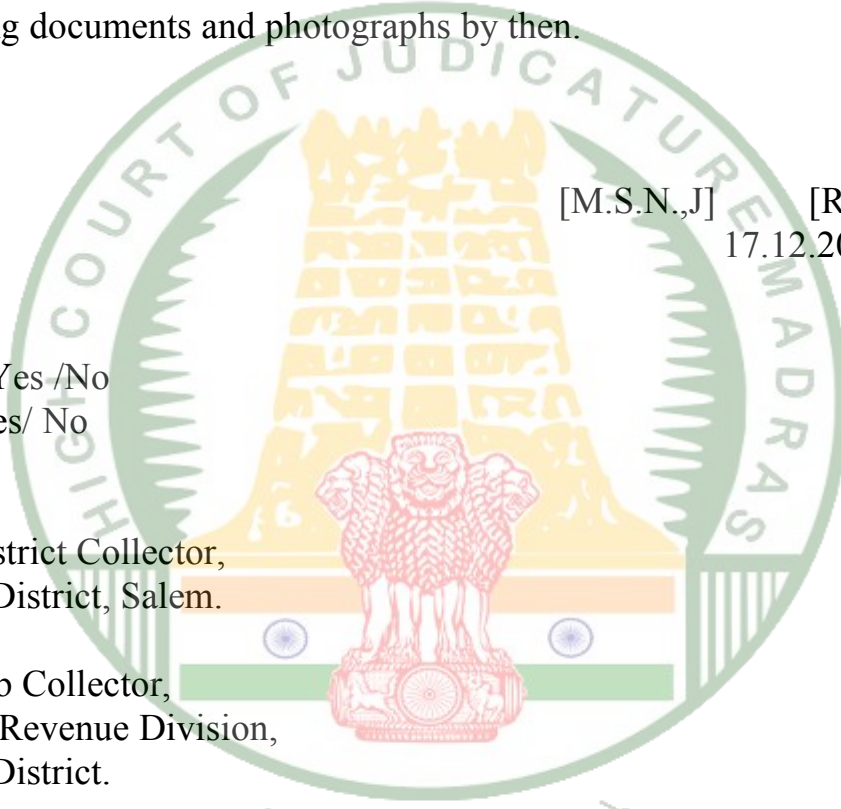
[M.S.N.,J] [R.P.A.,J.]
17.12.2020

sk

Internet: Yes /No
Index: Yes/ No

To

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