

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN  
AND  
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.18455/2020 & WMP.No.22900/2020

P.Senthilkumar .. Petitioner

Versus

1.The District Collector  
Perambalur District,  
Perambalur.

2.The Tahsildar  
Perambalur District  
Perambalur.

3.Sagayam ... 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 and 2 to take appropriate action in the light of the 1<sup>st</sup> respondent's communication dated 09.06.2020 vide proceedings in O.Mu.AA2/4914/2020 within reasonable time frame as may be fixed by this Court.

For Petitioner : Mr.K.S.Karthik Raja

For R1&R2 : Mr.M.Elumalai  
Additional Government Pleader

ORDER

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

- (1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2)Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of respondents 1 and 2.
- (3)The petitioner would state that his father had purchased landed property admeasuring to an extent of 19 cents in SF.No.222/10B in Sarithiramanai Village, Perambalur District, through a registered Sale Deed dated 08.12.2010 bearing Doc.No.6948/2010 registered on the file of the office of the Sub Registrar, Settikulam and from that date onwards, his father continue to be remain in possession and enjoyment of the said land. The petitioner would state that

after the demise of his father on 19.04.2014, he succeeded to his estate along with his mother and patta was also mutated in their favour. It is also stated that he is a resident of Chennai and when he visited the property on 23.03.2020, he was shocked to note that a portion of the land is used as a burial site and in this regard, a representation dated 02.06.2020 was submitted to the 1<sup>st</sup> respondent, who in turn, had sent a Memo dated 09.06.2020 in O.Mu.Aa2/4914/2020 to the 2<sup>nd</sup> respondent to take appropriate action and inform the same to the petitioner as well as to the office of the 1<sup>st</sup> respondent and despite that, nothing is moving forward and hence, the petitioner is constrained to approach this Court by filing this writ petition.

(4) This Court heard the submissions of Mr.M.Elumalai, learned Additional Government Pleader appearing for respondents 1 and 2 and also perused the materials placed before it.

(5) 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 2<sup>nd</sup> respondent to act on the above cited communication of the 1<sup>st</sup> respondent dated 09.06.2020 in O.Mu.No.Aa2/4914/2020 and following due process of law and also by adhering to the principles of natural justice, by putting the encroachers on notice, which may include the 3<sup>rd</sup> respondent, shall take immediate, necessary and appropriate steps in accordance with law and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order / uploading the order in the website and communicate the decision taken, to the petitioner, 3<sup>rd</sup> respondent as well as the other person/s concerned / encroachers if any.

(6) The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP  
To

1.The District Collector  
Perambalur District, Perambalur.

2.The Tahsildar  
Perambalur District, Perambalur.

+1cc to Mr.K.S.Karthik Raja, Advocate, S.R.No. 41002

WP.No.18455/2020