

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.33408 of 2019

V.Palanisamy
S/o.Vaiyapuri

... Petitioner

Vs

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The District Revenue Officer,
Namakkal District,
Namakkal.
- 3.The Revenue Divisional Officer,
Namakkal District,
Namakkal.
- 4.The Tahsildar,
Rasipuram Taluk,
Namakkal District.
- 5.The Block Development Officer,
Namagiripettai Panchayat Union,
Namagiripettai.
- 6.Alunga Muthu
S/o.Kuppa Gounder
- 7.Tamilselvan
S/o.Kuppa Gounder
- 8.Kandhasamy
S/o.Elaiya Gounder

9.Chittayyan
S/o.Elaiya Gounder

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing official respondents to remove the illegal encroachment made by private respondents on the burial ground and rock poramboke bearing Survey Nos.182/3, 4, 5, 6, 7 at Oonanthangal Village, Rasipuram Taluk, Namakkal District, by considering the petitioner's representation dated 12.06.2019 within a stipulated time frame.

For Petitioner : Mr.R.Jayaprakash

For Respondents: Mr.E.Balamurugan
Special Government Pleader [R1 to R4]
Mr.S.Sivashanmugasundaram [R5]

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner has filed the present petition seeking issuance of a Writ of Mandamus directing official respondents to remove the illegal encroachment made by private respondents on the burial ground bearing Survey Nos.182/3, 4, 5, 6, 7 at Oonanthangal Village, Rasipuram Taluk, Namakkal District, by considering the petitioner's representation dated 12.06.2019 within a stipulated time frame.

2. Heard learned counsel for petitioner, learned Special Government Pleader appearing for respondents 1 to 4 and learned counsel for fifth respondent.

3. Though very many contentions have been raised, the prayer of the petitioner itself is self-explanatory. Therefore, this Court is not traversing into the averments made in the affidavit. Further, in view of the order going to be passed by this Court, there is no need to issue notice to respondents 6 to 9.

4. Petitioner is directed to give a fresh copy of the representation dated 12.06.2019 to fifth respondent within a week from the date of receipt of this order. On receipt of such representation, fifth respondent is directed to conduct enquiry with private respondents viz., 6 to 9 and necessary parties, if any and pass appropriate orders with regard to removal of

illegal encroachments made by private respondents on the burial ground, within a period of eight weeks thereafter. It is made clear that this Court has not expressed any opinion on the merits of the case and it is for the fifth respondent to pass orders on the petitioner's representation after conducting due enquiry.

The Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The District Revenue Officer,
Namakkal District,
Namakkal.
- 3.The Revenue Divisional Officer,
Namakkal District,
Namakkal.
- 4.The Tahsildar,
Rasipuram Taluk,
Namakkal District.
- 5.The Block Development Officer,
Namagiripettai Panchayat Union,
Namagiripettai.

+1cc to Mr.R.Jayaprakash, Advocate sr.2331
+1cc to Government Pleader SR.NO. 2263

Writ Petition No.33408 of 2019

mp(co)
nr 13/02/2020