

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.01.2020

CORAM

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

W.P. No.34564 of 2019

A.Vahith Khan

.. Petitioner

v.

1.The Collector,
Cuddalore District,
Cuddalore.

2. The Deputy Collector,
Vridhachalam, Deputy Collector Office,
Vridhachalam, Cuddalore District.

3.The Tahsildar,
Vridhachalam Taluk Office,
Vridhachalam Taluk,
Cuddalore District.

4.The Municipality Commissioner,
Vridhachalam Municipality Office,
Vridhachalam, Cuddalore District.

5.Ramadass

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct respondents 1 to 4 to consider the petitioner's representation dated 17.11.2019 and to take appropriate action in accordance with law.

For petitioner : Mr.R.Veeramani

For respondents : Mr.K.S.Suresh,
Government Advocate
for R1 to R3

Mr.M.Kirubaharan for R4

No appearance for R5

ORDER

(Order of this Court was made by R.SUBBIAH,J.)

The writ petition has been filed for mandamus directing respondents 1 to 4 to consider the petitioner's representation dated 17.11.2019 and to take appropriate action in accordance with law.

2.In the affidavit filed in support of the writ petition, it is averred that the property situated at Ward E, Block No.24 Junction Road, New Town Survey Nos.154 and 155 bearing Old Survey No.105/1 was allotted to the petitioner's father under a Partition Deed. During his life time, he has executed a Will dated 16.02.1981 bequeathing the above property to the petitioner. After execution of the Will, his father died in the year 1982. Thereafter, the petitioner has been enjoying the said property without any hindrance. While so, adjacent to the above property, there is a canal runs between the petitioner's property and the property belonging to one Ramadass, the fifth respondent herein and his family members, who were trying to divert the free flow of canal and trying to grab the canal property. On coming to know about the same, the petitioner lodged a police complaint against the said Ramadass and his family members. Since the police refused to register the case, the petitioner has made a representation dated 17.11.2019 to respondents 1 to 4. As they have not taken any steps to stop the unlawful activities, the petitioner is before this Court seeking the above prayer.

3.Though notice was served on the fifth respondent, he has not chosen to appear before this Court either through counsel or by himself.

4.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

5.In view of the submission made by either side, this Court hereby directs the Tahsildar, Vridhachalam Taluk, Cuddalore District, the third respondent herein to consider the representation dated 17.11.2019 given by the petitioner, by affording an opportunity of personal hearing to the petitioner as well as to the fifth respondent and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.It is made clear that if there is any encroachment, respondents 1 to 4 are directed to take action with regard to eviction, in accordance with law.

7.With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vga
To

1.The Collector,
Cuddalore District,
Cuddalore.

2. The Deputy Collector,
Vridhachalam, Deputy Collector Office,
Vridhachalam, Cuddalore District.

3.The Tahsildar,
Vridhachalam Taluk Office,
Vridhachalam Taluk,
Cuddalore District.

4.The Municipality Commissioner,
Vridhachalam Municipality Office,
Vridhachalam, Cuddalore District.

+1 cc to Government Pleader Sr.No.7227

+1cc to Mr.R.Veeramani , Advocate SR.No. 7105

+1cc to Mr.M.Kirubaharan , Advocate SR.No. 6031

W.P. No.34564 of 2019

A.SK(26/02/2020)

सत्यमेव जयते

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