



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.14790 of 2020

Ganeshan

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai District, Sivagangai.

3.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

4.Prema

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to complete the enquiry and to dispose the same in respect of proceedings No.Na.Ka.AA2/5542/2019, within the time stipulated by this Court.

For Petitioner	:	Mr.J.Malai Raja
For Respondents	:	Mr.M.Pandiarajan for R1 to R3 Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to complete the enquiry and dispose of the same in respect of the proceedings No.Na.Ka.AA2/5542/2019, within the time stipulated by this Court.

2.Heard Mr.J.Malai Raja, learned counsel for the petitioner. Mr.M.Pandiyarajan, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 3.

3.By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

4.It is the case of the petitioner that the property comprised in S.No.450/16 at Maravamangalam Village, Kalayarkovil Taluk, Sivagangai District, is classified as a public pathway in the revenue records. According to the petitioner, the fourth respondent has encroached the said public pathway. Therefore, the petitioner has given a complaint on 19.09.2018 before the Block Development Officer, Kalayarkovil, to remove the encroachment. According to the petitioner, despite the same, the Block Development Officer, Kalayarkovil, vide his communication dated 10.10.2018, to the third



respondent passed an order to conduct survey in the said property.

5. According to the petitioner, the fourth respondent filed a petition on 14.08.2019, before the second respondent to rectify the extension of the S.No.450/15 and 450/16. The second respondent has summoned the fourth respondent and the petitioner for enquiry through his proceedings dated 28.08.2019. According to the petitioner, the enquiry proceedings before the second respondent is still pending. It is the case of the petitioner that he has also lodged a complaint with Kalayarkovil Police Station on 18.05.2020, against the fourth respondent for his encroachment. According to the petitioner, if the enquiry proceedings pending on the file of the second respondent in Na.Ka.AA2/5542/2019 is not disposed of expeditiously, it may lead to create law and order problem in their Village. In such circumstances, this writ petition has been filed.

6. Admittedly, enquiry proceedings are pending before the second respondent in Na.Ka.AA2/5542/2019, with regard to the alleged encroachment of the fourth respondent in S.No.450/16 at Maravamangalam Village, Kalayarkovil Taluk, Sivagangai District. The proceedings were initiated as early as on 14.08.2019. Till date, the enquiry proceedings have not been completed by the second respondent. No prejudice will be caused to the respondents, if the enquiry proceedings in Na.Ka.AA2/5542/2019 is completed and disposed of within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the second respondent to complete the enquiry in Na.Ka.AA2/5542/2019 and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector, Sivagangai District.

2.The Revenue Divisional Officer, Sivagangai District, Sivagangai.

3.The Tahsildar, Kalayarkovil Taluk, Sivagangai District.

+1 CC to M/s.SPL GP (SR-20793[F] dated 02/11/2020)

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BK (CO)

KB (09.11.2020) 3P 5C