

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7642 of 2021

J.Rajaram

... Petitioner

Vs.

1.The District Collector,
Chengalpattu District.

2.The Tahsildar
Chengalpattu Taluk,
Chengalpattu District.

3.K.Srinivasan

4.Bharathan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first and second respondents herein to remove the encroachment made by the private respondents 3 and 4 herein over the Forest Land situated in Survey No.75/1C Irungundrampalli Village, Chengalpattu Taluk & District on the basis of the petitioner's representation dated 08.12.2020.

For Petitioner : Mr.G.Mageshkumar

For Respondents : Mr.K.S.Suresh

Government Advocate for R1 and R2

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains of alleged encroachment by respondents 3 and 4 over the land situated in Survey No.75/1C, Irungundrampalli Village, Chengalpattu Taluk & District

2. The petitioner states that the above mentioned land is a forest land, which comes within the jurisdiction of the first and second respondents because it is not a reserved forest. It is stated that the respondents 3 and 4 encroached upon the land and that in spite of submitting representations on 08.12.2020 and 18.12.2020, no action has been taken thereon.

3. Mr.K.S.Suresh, learned Government Advocate, accepts notice on behalf of respondents 1 and 2 and states that the representations would be considered and disposed of by the second respondent.

4. In the aforesaid facts and circumstances, without examining the merits of the representations dated 08.12.2020 and 18.12.2020, the second respondent is directed to consider the representations dated 08.12.2020 and 18.12.2020 and dispose of the same by a speaking order after providing a reasonable opportunity to all parties affected thereby, including the respondents 3 and 4 herein. In view of the fact that the merits of the matter have not been examined and because the second respondent has been directed to hear respondents 3 and 4 before deciding the matter, the writ petition is being disposed of without notice to respondents 3 and 4. The aforementioned speaking order shall be issued within a period of eight weeks from the date of receipt of a copy of this order. In case the writ petitioner is aggrieved thereby, it is open to the writ petitioner to institute appropriate legal proceedings, otherwise than by way of public interest litigation, after establishing his locus standi in this regard.

5. W.P.No.7642 of 2021 is disposed on the above terms. There will be no order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rrg

To:

1.The District Collector,
Chengalpattu District.

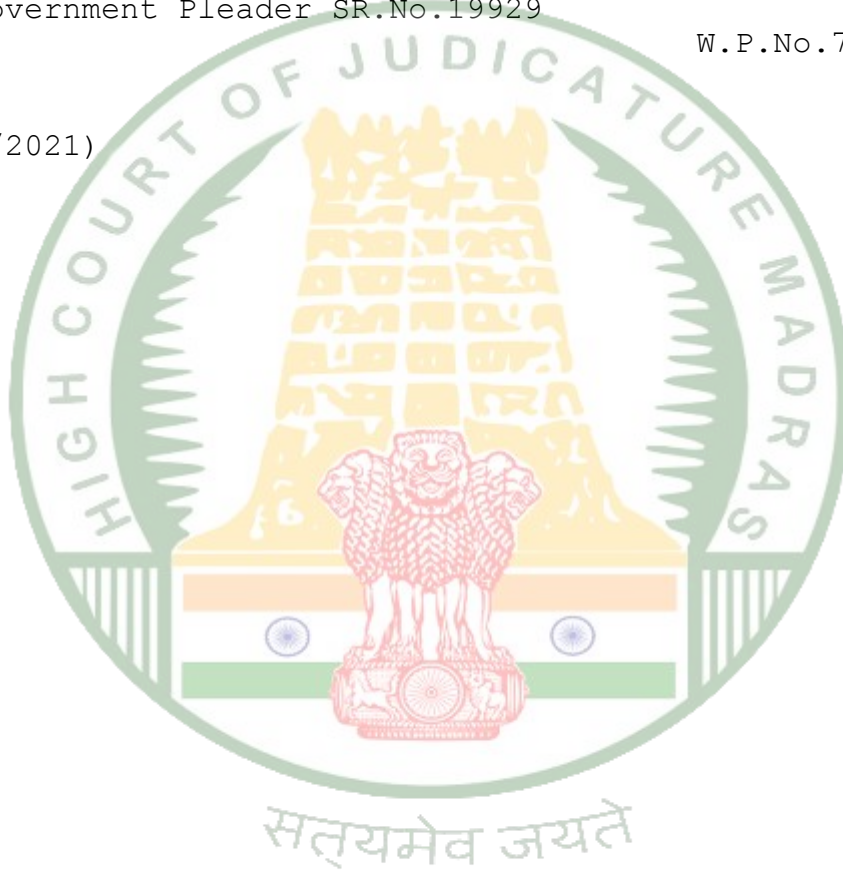
2.The Tahsildar
Chengalpattu Taluk,
Chengalpattu District.

+1cc to Mr.G.Mageshkumar, Advocate SR.No.19886

+1cc to Government Pleader SR.No.19929

W.P.No.7642 of 2021

GSM(CO)
GMY (15/04/2021)



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