

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.8323/2021

Chinnathambi @ Perumal Gounder

...Petitioner

Versus

1.The District Collector
Dharmapuri District.

2.The Revenue Divisional Officer
Harur, Dharmapuri District.

3.The Tahsildar
Pappireddipatti Taluk
Dharmapuri District.

4.The President
Kokkarapatti Panchayat
Pappireddipatty Taluk
Dharmapuri District.

5.M.Dinesh

6.J.Raja

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st to 4th respondents to evict the encroachment as found in Survey No.236/8 to the extent of 42.2 meters of length and 5 meters of breadth of the Erumiyampatti Village, Pappireddipatti Taluk, Dharmapuri District, pursuant to the proceedings of the 1st respondent in proceedings O.Mu.5084/2018/T2 dated 17.04.2018 being a cart track within a time frame.

For Petitioner : Mr.J.Pradeep

For RR1 to 4 : Mr.S.Kamalesh Kumar
Government Advocate

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.S.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of respondents 1 to 4.
- (3) The son of the petitioner, viz., Mr.Baskaran, is the owner of certain extent of agricultural lands in S.No.54 of Erumiyampatti Village and the petitioner who is the father would state that there exist a pathway in S.No.236/8 in Old S.No.50 [part] classified as 'pathway' and the private respondents had not only caused encroachments, but also built a compound wall. The petitioner, in this regard, had submitted representation to the 1st respondent, who vide communication dated 17.04.2018, in O.Mu.No.5084/2018/Tha.2, has directed the 2nd respondent to take appropriate action and inform the same to the petitioner with a copy marked to their office and despite a lapse of nearly two years and odd, no action whatsoever has been taken and therefore, the petitioner is constrained to approach this Court by filing this writ petition.
- (4) This Court heard the submissions of the learned Government Advocate appearing for the respondents 1 to 4 and also perused the materials placed before it.
- (5) Though the petitioner has prayed for a larger relief, this Court, in the light of 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 3rd respondent to put the petitioner as well as the private respondents on notice and cause inspection of the land in S.No.236/8 with the aid of the jurisdictional Surveyor and revenue records and if the result of the survey and inspection reveals any encroachments on the lands said to have been classified as pathway, shall take immediate, necessary and appropriate action in accordance with law, by also adhering to the principles of natural justice and complete the said

exercise within a period of twelve weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner as well as to the private respondents.

- (6) The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
Dharmapuri District.
- 2.The Revenue Divisional Officer
Harur, Dharmapuri District.
- 3.The Tahsildar
Pappireddipatti Taluk
Dharmapuri District.
- 4.The President
Kokkarapatti Panchayat
Pappireddipatty Taluk
Dharmapuri District.

+1cc to M/s.J.Pradeep, Advocate, S.R.No.21160

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PL (CO)
RN (04/05/2021)