



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 03.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH
and
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.P. No.12074 of 2021

T.Thachina Moorthy

.. Petitioner

Versus

1. The District Collector,
Namakkal District, Namakkal.
2. The Tahsildar,
Namakkal Taluk,
Namakkal District.
3. R.Kandasamy
4. K.Radha

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the third respondent to consider the representation of the petitioner dated 04.02.2021 for removal of the encroachments made in Survey No.442/14, measuring about Hc. 0.2012.0 of Singlipatti Village, which is classified as passage, within a reasonable time to be fixed by this Court.

For petitioner : Mr.K.A.Mariappan

For respondents : Mr.Richardson Wilson, G.A.
for RR1 & 2

ORDER

(The Order of the Court was made by R.Subbiah, J)

The Writ Petition is heard through video conferencing.

2. The petitioner has filed this petition seeking for a direction to the third respondent to consider the representation of the petitioner dated 04.02.2021 and to remove the encroachments made in Survey No.442/14, measuring about Hc. 0.2012.0 of Singlipatti Village, which is classified as passage, as per the Revenue Records.



3. It is the case of the petitioner that in Singlipatti Village, there is a pathway in Survey No.442/14, which is the shortest route available to reach the main road. As per the Revenue Records, though the said Survey Number is classified as passage, the respondents 3 & 4 encroached the common pathway, measuring to an extent of Hc.0.2012.0, and put up constructions. Hence, the petitioner made representations on 04.02.2021 to remove the said encroachments. But, no action has been taken till date. Hence, the present petition.

4. The learned Government Advocate appearing for the respondents submitted that the second respondent will consider the representation of the petitioner in accordance with law within the time frame that may be specified by this Court.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on either side, this Court, without going into the merits of the case, directs the petitioner to give fresh representation along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to conduct enquiry by affording an opportunity of personal hearing to the petitioner as well as to the respondents 3 & 4 and dispose of the said representation within a period of eight weeks thereafter.

7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector,
Namakkal District,
Namakkal.

2. The Tahsildar,
Namakkal Taluk,
Namakkal District.



+1cc to Mr.K.A.Mariappan, Advocate, S.R.No.27451
+1cc to the Government Pleader, S.R.No.27484

W.P. No.12074 of 2021

WEB COPY

UM(CO)
CB(02/08/2021)