

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.5859 of 2021

P.Muthuselvam

.. Petitioner

-vs-

1.The District Collector,
Namakkal,
Namakkal District.

2.The District Revenue Officer,
Namakkal,
Namakkal District.

3.The Revenue Divisional Officer,
Namakkal,
Namakkal District.

4.The Tahsildar,
Sendhamangalam Taluk,
Namakkal District.

5.Palanivel
6.Ramasamy
7.Periyasamy
8.Pethan
9.Seerangan
10.Maruthai
11.Muthusamy
12.Sellayyee

13.The Block Development Officer,
Erumapatti Panchayat Union,
Namakkal District.

.. Respondents

(Respondent No.13 impleaded suo motu
in this order)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to take action for removing of encroachments and demolishing the unauthorised constructions put up by the

respondents 5 to 12 and other persons in public cement road in S.No.390/1 located between S.Nos.390 and 391 and removing of encroachments in Government poramboke lands situated in S.Nos.388/1, 390/9, 390/10, 390/11 and 3911 of Varadharajapuram Villlage, Sendamangalam Taluk, Namakkal District by considering the petitioner's representations dated 25.05.2020 to the official respondents and the encroachment details provided by the fourth respondent through his letters in Pa.Mu.1379/2020 dated 29.06.2020 and Pa.Mu.3749/2020 dated 15.12.2020.

For Petitioner : Mr.N.S.Suganthan

For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondent Nos.1 to 4

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

The petitioner's grievance relates to the alleged encroachments by respondents 5 to 12 in various survey numbers at Varadharajapuram Village, Sendamangalam Taluk, Namakkal District.

2. Learned counsel for the petitioner points out that the official respondents have already concluded that there are encroachments with regard to certain survey numbers and have also indicated that action has been initiated to remove such encroachments. He also points out that a representation has been submitted by the writ petitioner on 25.05.2020, but the task of removal of encroachments has not been completed.

3. Mr.V.Jayaprakash Narayanan, learned State Government Pleader, accepts notice on behalf of respondents 1 to 4 and states that the process of identification of encroachments and encroachers is underway. He submits that the Block Development Officer, Erumapatti Panchayat Union, Namakkal District is the local authority exercising jurisdiction over the roads. Accordingly, the Block Development Officer, Erumapatti Panchayat Union, Namakkal District is suo motu impleaded as respondent No.13. The registry is directed to carry out necessary amendment in the writ petition.

4. In view of the aforesaid submissions, without examining the merits of the representation dated 25.05.2020, respondents 4 and 13 are directed to consider the representation of the petitioner dated 25.05.2020 and dispose of the same by a speaking order after affording a reasonable opportunity to all affected parties, including respondents 5 to 12. Such speaking

order shall be passed within a period of three months from the date of receipt of a copy of this order.

5. W.P.No.5859 of 2021 is disposed of on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

bbr

To:

- 1.The District Collector,
Namakkal,
Namakkal District.
- 2.The District Revenue Officer,
Namakkal,
Namakkal District.
- 3.The Revenue Divisional Officer,
Namakkal,
Namakkal District.
- 4.The Tahsildar,
Sendhamangalam Taluk,
Namakkal District.
- 5.The Block Development Officer,
Erumapatti Panchayat Union,
Namakkal District.

+1cc to Mr.N.S.Suganthan, Advocate, S.R.No.15576

W.P.No.5859 of 2021

PL(CO)
GN(26/03/2021)

WEB COPY