

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7611 of 2021

A.Duraisamy

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Petitioner

Vs.

1.The District Collector,
Namakkal.

2.The District Revenue Officer,
Namakkal District.

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

4.The Block Development Officer,
Kabilarmalai Village Panchayat,
Paramathi Velur Taluk,
Namakkal District.

5.The Tahsildar
Paramathi Velur,
Namakkal District.

6.S.Ramasamy

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment of land made by the 6th respondent to an extent of 80 cents in Survey No.33 in Kothamangalam Village, Paramathi Velur Taluk, Namakkal District which is classified as Government Poromboke land.

For Petitioner : Mr.L.Mouli

For Respondents: Mr.V.Jayaprakash Narayanan

State Government Pleader for R1 to R5

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The writ petitioner, who is a resident of Arasampalayam, Kothamangalam Post, complains of encroachment in Survey No.33 by the sixth respondent.

2. The petitioner asserts that the sixth respondent has illegally occupied an extent of 80 cents of Government poromboke land in Survey No.33 at Kothamangalam village and has commenced construction thereon. In spite of issuing a representation dated 05.09.2020 to respondents 1 to 5, no action has been taken other than forwarding such representation to the 3 and 5th respondents herein. Meanwhile, the sixth respondent is said to have completed the foundation work.

3. Mr. V. Jayaprakash Narayanan, learned State Government Pleader, accepts notice on behalf of respondents 1 to 5 and submits that the 4 and 5th respondents may be directed to examine the petitioner's representation and deal with the same.

4. Accordingly, without examining the merits or tenability of the representation dated 05.09.2020, respondents 4 & 5 herein are directed to consider the representation dated 05.09.2021 and dispose of the same by a speaking order after providing a reasonable opportunity to all parties affected thereby, including the sixth respondent herein. In view of the fact that the merits of the matter have not been examined and because the respondents 4 and 5 have been directed to hear the sixth respondent before passing an order, the writ petition is being disposed of without notice to the sixth respondent. The aforementioned speaking order shall be issued within a period of eight weeks from the date of receipt of a copy of this order.

5. W.P.No.7611 of 2021 is disposed on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rrg

To:

- 1.The District Collector,
Namakkal.
- 2.The District Revenue Officer,
Namakkal District.
- 3.The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
- 4.The Block Development Officer,
Kabilarmalai Village Panchayat,
Paramathi Velur Taluk,
Namakkal District.
- 5.The Tahsildar
Paramathi Velur,Namakkal District.

+1cc to M/s.L.Mouli, Advocate, S.R.No.18909
+1cc to the Government Pleader, S.R.No.19161

W.P.No.7611 of 2021

AJS (CO)
CB(09/04/2021)