

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 01.06.2021

CORAM:

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

W.P. No.11088 of 2021

M.Arun Kumar

.. Petitioner

Versus

1. The District Collector,
Office of District Collector,
Salem District 636 001.
 2. Sub Collector,
Office of Sub Collector,
Mettur, Salem District 636401.
 3. The District Revenue Officer,
Office of the Collectorate,
Omalur,
Salem District 636001.
 4. The Tahsildar,
Omalur,
Salem District 636455.
 5. The President,
Vellakkalpatti Village, Omalur Taluk,
Salem District 636012.
 6. The Block Development Officer,
Block Development Office,
Omalur Taluk, Salem District 636455.
- .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents 1 to 5 to consider the representations dated 28.12.2020 of the petitioner and to remove the illegal, unauthorized encroachments in Survey Nos.68, 59/1, 60 of Vellakkalpatti Village, Omalur Taluk, Salem District in accordance with law.

For petitioner : Mr.A.Ashwinkumar

For respondents : Mr.R.Neelakandan, G.A.

ORDER

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

The Writ Petition is heard through video conferencing.

2. This petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 to 5 to consider the representation dated 28.12.2020 of the petitioner and to remove the illegal, unauthorized encroachments in Survey Nos.68, 59/1, 60 of Vellakkalpatti Village, Omalur Taluk, Salem District in accordance with law.

3. It is the case of the petitioner that he is a permanent resident of Vellakkalpatti Village in Salem District. There is a road in S.Nos.59/1 and 68, which joins Manjulampallam and Mettupathi, and it has been extensively used by the Villagers for commutation and a catchment area in S.Nos.59/1 and 60/1,2 is the main water resource for the said Villagers. Now, the said road and water resource had been encroached illegally and the encroachment is increasing day-by-day, which causes great hardship to the Villagers. Hence, this petition.

4. Though very many contentions have been raised in this petition, the main grievance of the petitioner is that there is illegal construction in Survey Nos.68, 59/1, 60 of Vellakkalpatti Village. In spite of the representation of the petitioner, dated 28.12.2020, the respondents have not taken any step to remove the said illegal construction.

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 fourth respondent is directed to conduct enquiry by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties and dispose of the representation within a period of eight weeks thereafter.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector,
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2. Sub Collector,
Office of Sub Collector,
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Salem District 636012.
6. The Block Development Officer,
Block Development Office,
Omalur Taluk,
Salem District 636455.

+1 cc to Government Pleader Sr.No. 27335

+1cc to Mr.A.Ashwin Kumar, Advocate SR.No. 27330

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UM(CO)

A.SK(12.07.2021)



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