

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10250 of 2021

P.Nallathambi

..Petitioner

-vs-

1.The District Collector,
Perambalur District,
Perambalur.

2.The Revenue Divisional Officer,
Perambalur Division,
Perambalur District,
Perambalur.

3.The Tahsildar,
Kunnam Taluk,
Perambalur District.

4.Chellamuthu

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 9.7.2020 and to direct the respondents to take necessary action to remove the encroachment made by the individual on the property comprised in S.No.433/16 Old S.No.433/6 of Puthuvettakudi Village, Kunnam Taluk, Perambalur District within a time frame fixed by this Court without reference to the pending civil suit in O.S.No.231/2017 on the file of the learned District Munsif at Perambalur.

For Petitioner

: Mr.G.Ilamurugu

For Respondents

: Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondent Nos.1 to 3

ORDER

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

The petitioner canvasses a grievance regarding the encroachment of the land in Survey No.433/16 of Pudhuvettakudi Village, Kunnam Taluk, Perambalur District.

2. The petitioner asserts that the aforesaid land is classified as Government poramboke in the relevant revenue records. It is alleged that the fourth respondent had attempted to trespass into the property by laying a fence. The fourth respondent also proceeded to file a civil suit before the learned Principal District Munsif, Perambalur only against the petitioner herein.

3. The petitioner states that he has submitted a representation to the official respondents to take action and that although the first respondent issued a memo to the third respondent to take necessary action by proceedings of the 13th December 2019, no follow up action was taken thereon. It is also stated that a representation was submitted by the petitioner and the other inhabitants of the village on 09.07.2020.

4. Mr.V.Jayaprakash Narayanan, learned State Government Pleader, accepts notice on behalf of respondents 1 to 3 and submits that the third respondent is the appropriate authority to take action on the petitioner's representation.

5. From the documents on record in relation to O.S.No.231 of 2017, it is evident that such suit has been filed only against the petitioner herein and the Government is not a party thereto. Consequently, such suit would have no effect as regards the Government.

6. Accordingly, without examining the merits of the matter, the petitioner is granted leave to submit a representation to the third respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt thereof, the third respondent is directed to consider such representation and dispose of the same by a speaking order within a period of eight weeks from the date of receipt of such representation, after providing a reasonable opportunity to all affected parties, including the fourth respondent. In view of the fact that the merits of the matter have not been gone into and because the third respondent has been directed to hear the fourth respondent before passing orders, the writ petition is being disposed of without notice to the fourth respondent.

7. W.P.No.10250 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

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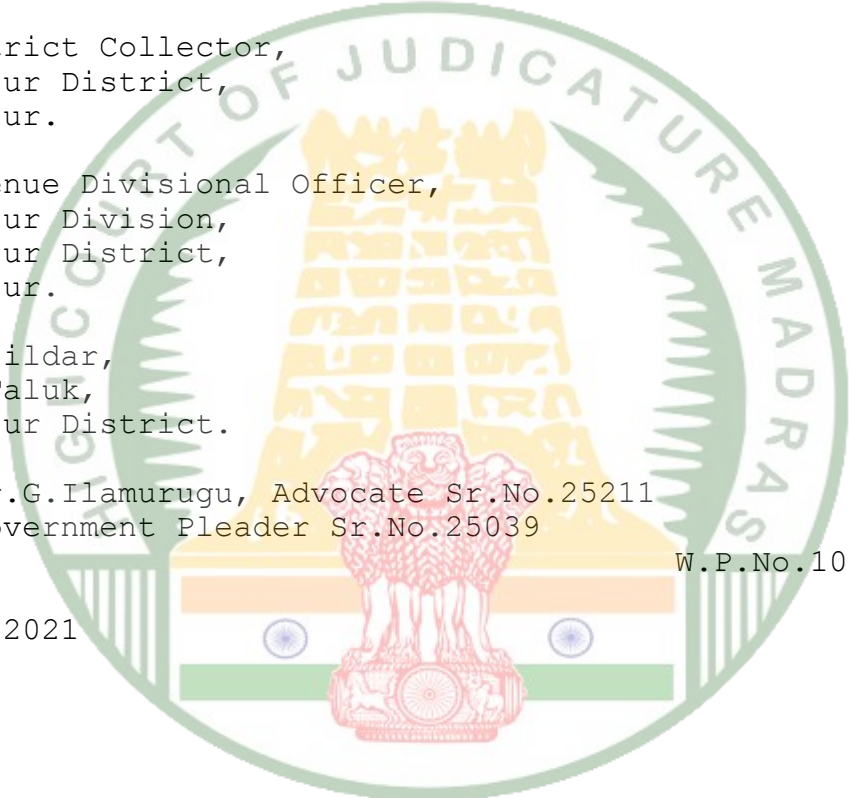
To:

- 1.The District Collector,
Perambalur District,
Perambalur.
- 2.The Revenue Divisional Officer,
Perambalur Division,
Perambalur District,
Perambalur.
- 3.The Tahsildar,
Kunnam Taluk,
Perambalur District.

+1cc to Mr.G.Ilamurugu, Advocate Sr.No.25211
+1cc to Government Pleader Sr.No.25039

W.P.No.10250 of 2021

PL(CO)
baf 05/05/2021



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