

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12741 of 2021

M.Yoganandham

.. Petitioner

Vs.

1. The District Collector
Tiruppur District, Tiruppur.
2. The District Revenue Officer
Tiruppur District
Tiruppur.
3. The Revenue Divisional Officer
Udumalpet, Tiruppur District.
4. The Tahsildar
Madathukulam, Tiruppur District.
5. The Block Development Officer
Madathukulam Union
Tiruppur District.
6. GPR Sand and Blue Metals (P) Ltd.
rep. by its Director N.Natarajan
124/A, Kumaran Kottam
Trichy Road, Sulur
Coimbatore District.

7. Sakunthala

.. 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 made by the respondents 6 and 7 in the Odai Poramboke in S.F.No.495, Maivady Village, Madathukulam Taluk, Tiruppur District and restore the same by considering the petitioner's representation dated 13.02.2021.

For Petitioner : Mr.D.R.Arun Kumar
For Respondents : Mr.P.Muthukumar
Counsel for State
for respondents 1 to 5

ORDER
(Made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains of the alleged encroachment of the Odai Poromboke in S.F.No.495, Maivady Village, Madathuulam Taluk, Tirupur District by the sixth and seventh respondents.

2. The writ petitioner asserts that the Odai runs adjacent to the sixth respondent's land in the aforesaid survey number and that the sixth respondent has encroached upon the Odai by filling up the Odai with debris from their crushing unit. It is alleged that the sixth respondent has also put up a fence and thereby completely blocked the waterway and impeded both ingress and egress to the adjoining land.

3. The petitioner states that a representation was submitted to the first respondent in this connection on 13.02.2021, but no action has been taken for the removal of the said encroachment.

4. Mr.Muthukumar, learned counsel for Government accepts notice on behalf of respondents 1 to 5 and submits that the fourth respondent is the appropriate authority to consider and dispose of the petitioner's representation.

5. Accordingly, without examining the merits of the matter, the petitioner is granted leave to submit a fresh representation to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the fourth respondent is directed to consider such representation of the petitioner and dispose of the same by a reasoned order, after providing a reasonable opportunity of hearing to the petitioner and the sixth and seventh respondents. Such reasoned order shall be passed within a period of eight weeks from the date of receipt of the representation.

6. In view of the fact that the merits of the matter have not been examined and the fourth respondent has been directed to hear the sixth and seventh respondents before deciding the matter, the writ petition is disposed of without notice to the private respondents.

W.P.No.12741 of 2021 is disposed of in the above terms, without any order as to costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

kpl

To:

1. The District Collector
Tiruppur District
Tiruppur.
2. The District Revenue Officer
Tiruppur District
Tiruppur.
3. The Revenue Divisional Officer
Udumalpet
Tiruppur District.
4. The Tahsildar
Madathukulam
Tiruppur District.
5. The Block Development Officer
Madathukulam Union
Tiruppur District.

+lcc to Mr.Arunkumar, Advocate, S.R.No. 28194

W.P.No.12741 of 2021

MG(CO)
GN(22/06/2021)



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