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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 28.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P. No.10637 of 2021
(Heard through VC)

K.Anbazhagan

...Petitioner

Versus

1. The District Collector,
Dharmapuri District.
2. The District Revenue Officer,
Dharmapuri.
3. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.
4. The Tahsildar,
Karimangalam Taluk, Dharmapuri District.

- 5.Kaliappan
- 6.Govindan
- 7.Arumugam
- 8.The Block Development Officer,
Morappur, Dharmapuri District.

...Respondents

(R-8 suo motu impleaded
vide order dated 29.04.2021
made in W.P.No.10637 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents 1 to 4 to evict the encroachment as found in Survey Nos.178/2E and 178/3C to the total extent of 0.04.00 hectares of Kelavalli Village, Karimangalam Taluk, Dharmapuri District.

For petitioner : Mr.J.Pradeep

For respondents : Mrs.Akila Rajendran
Government Counsel for R1 to R4

No appearance for R5 to R8



ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

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This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 4 to evict the encroachment as found in Survey Nos.178/2E and 178/3C of Kelavalli Village, Karimangalam Taluk, Dharmapuri District, having an extent of 0.04.00 hectares.

2. The petitioner would claim that he owns agricultural land in Survey No.177/3 to the extent of 1.63 acres in Kelavalli Post, Karimangalam Taluk. The petitioner and other neighbouring land owners have their access to their agricultural land by using cart road classified as "Nilaviyal Padhai" formed in Survey Numbers as 178/2E and 178/3C. While so, the respondents 5 to 7 have encroached the road measuring an extent of 0.03.00 hectares in S.No.178/2E and 0.01.00 hectares in S.No.178/3C. The encroachment has blocked the ingress and egress of the public movement. Hence, a representation was made to the respondents on 04.03.2021, but no action was taken so far. Hence, the present Writ Petition.

3. The learned counsel for the petitioner would state that it would suffice if a suitable direction is given to the fourth respondent to consider the representation of the petitioner.

4. The learned Government Counsel Mrs.Akila Rajendran would state that the representation of the petitioner was received by the third respondent and he is ready to consider the grievance expressed by the petitioner.

5. In the light of the submissions of the learned counsels and also taking note of the limited prayer sought for in the Writ Petition, this Court without expressing any opinion on the merits of the matter, directs the third respondent to take appropriate action on the representation of the petitioner, dated 04.03.2021, in accordance with law and remove the encroachment, after providing ample opportunity to all necessary parties. The said exercise shall be completed within a period of three months.



6. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri District.
2. The District Revenue Officer,
Dharmapuri.
3. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.
4. The Tahsildar,
Karimangalam Taluk,
Dharmapuri District.
5. The Block Development Officer,
Morappur, Dharmapuri District.

W.P. No.10637 of 2021

KV[co]
NSK 11/10/2021