



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 02.06.2021

CORAM:

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

W.P. No.11273 of 2021

K.Swaminathan

... Petitioner

Versus

1. The District Collector,
District Collectorate,
Katchirayapalayam Road,
Kallakurichi 606 213.
2. The District Revenue Officer,
Katchirayapalayam Road,
Kallakurichi 606 213.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Katchirayapalayam Road,
Kallakurichi 606 213.
4. The Tahsildar,
Taluk Office,
Sankarapuram Taluk,
Kallakurichi District.
5. Parvathy
6. Kullamaal
7. Bhakiyam
8. Pandian

... 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 4 herein to take appropriate action against the respondents 5 to 8 for removal of encroachment in Survey Nos.69/7 and 70/16, Thirukkanangur Village, Sankarapuram Taluk, Kallakurichi District by considering the petitioner representation dated 11.02.2021 within the time stipulated by this Court.

For petitioner : Mr.R.Bharathkumar

For respondents : Mr.Richardson Wilson, G.A.
for RR1 to 4



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 to direct the respondents 1 to 4 to take appropriate action against the respondents 5 to 8 for removal of encroachment in Survey Nos.69/7 and 70/16, Thirukkanangur Village, Sankarapuram Taluk, Kallakurichi District by considering the petitioner representation dated 11.02.2021.

3. It is the case of the petitioner that he purchased lands measuring totally to an extent of 2.99 cents situated in Survey Nos.69/1, 69/2A, 69/3, 70/15 and 70/5B in Thirukkanangur Village, and mutated the Revenue Records in his name in the year 2005. There is only one way to access his lands, i.e., through a Government road-cum-cart track situated in Survey Nos.69/7 and 70/16, which is a barren land. The respondents 5 to 8, who are adjacent land owners, encroached the said road-cum-cart track and thereby entirely prevented the petitioner from having access to his lands. Hence, he made a representation dated 11.02.2021 to the respondents 1 to 4. Since the said representation was not considered, the present writ petition has been filed.

4. The learned Government Advocate appearing for the respondents 1 to 8 submitted that the fourth respondent will consider the representation of the petitioner in accordance with law within the time frame that may be specified by this Court.

5. In view of the above submissions and also considering the nature of prayer sought for in the Writ Petition, this Court, without going into the merits of the case, directs the fourth respondent to consider the said representation of the petitioner and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of hearing to the petitioner as well as to the respondents 5 to 8, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observation and direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



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+1cc to the Government Pleader Sr.27383

W.P. No.11273 of 2021

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srg 16/07/2021