

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12988 of 2021

Kanniyappan

.. Petitioner

Vs.

1.The Tahsildar,
Madurantakam Taluk,
Chengalpet District.

2.Annadurai

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to remove the illegal encroachment made by the 2nd respondent on the government poramboke land admeasuring to an extent of 1 acre comprised in S.No.210/14 and the major portion on the public street located in between the lands comprised in S.No.210/12 and 210/13.

For Petitioner : Mr.K.Shanmugam

For Respondents : Mr.P.Muthukumar
Counsel for Government.

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The petitioner complains of the alleged encroachment in S.No.210/14 and on a portion of the public street in S.Nos.210/12 and 210/13 at Melakkandai Village, Madurantakam Taluk, Chengalpet District, by the second respondent herein.

2. The petitioner asserts that the second respondent, who is a resident of Rajaji Street in the Melakkandai Village, has encroached on the aforementioned survey numbers which are classified as Government poramboke lands in the relevant revenue records. He further states that as a result of such encroachment, rain water is entering into the houses situated at the end of the street. In spite of submitting a representation to the first respondent on 11.06.2021, it is stated that no action has been taken thereon.

3. Mr.P.Muthukumar, learned counsel for the Government, accepts notice on behalf of the first respondent and states that the petitioner's representation would be considered and disposed of by the first respondent.

4. Accordingly, without examining the merits of the matter, the first respondent herein is directed to consider the representation of the petitioner and dispose of the same by a reasoned order within a period of eight weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity of hearing both to the petitioner and to the second respondent herein. On account of the fact that the merits of the matter have not been gone into and because the first respondent is directed to hear the second respondent before taking a decision, the writ petition is being disposed of without notice to the second respondent.

W.P.No.12988 of 2021 is disposed of in these terms. There will be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To:

The Tahsildar,
Madurantakam Taluk,
Chengalpet District.

+1cc to Mr.Shanmugam, Advocate, S.R.No. 28952
+1cc to the Government Pleader, S.R.No. 29054

W.P.No.12988 of 2021

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