



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 28.09.2021

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

W.P.NO.15858 OF 2021

P.Durai

...Petitioner

-vs-

1.The District Collector
Villupuram District
Villupuram.

2.The Tahsildar
Gingee Taluk
Villupuram.

3.The Block Development Officer,
Vallam Union,
Villupuram District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to remove the encroachments found in S.No.9/1 situated in Udayanthagal village, Gingee Taluk, Villupuram, by following the due process of law as under the provisions of Tamilnadu Removal of Encroachment Act, based on the petitioner's representation dated 14.10.2020.

For petitioner : Mr.P.Paramasiva Doss
For respondents : Ms.Akila Rajendran
Government Counsel for R1 and R2

ORDER

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

The prayer in this writ petition is to issue a writ of mandamus, directing the 1st respondent to remove the encroachments in S.No.9/1 situated in Udayanthagal village, Gingee Taluk, Villupuram, based on the petitioner's representation dated 14.10.2020.



2.The petitioner would claim that he is a Farmer and having agricultural land in Survey Nos.9/2 and 9.3 at Udaianthangal Village. Above 200 hectares of lands in and around his land are irrigated by hundreds of agriculturists. The petitioner and the other land holders are cultivating various crops like, paddy, manila, black gram, millet, green gram, raggi and corns and other crops. They are using the land in Survey No.9/1 as "kalam" for threshing their crops. Now, the said land has been encroached by four of the villagers, hence the petitioner along with other surrounding land agriculturists are suffering and also it causes hindrance to the day to day agricultural activity. Therefore, the petitioner has sent his representation dated 14.10.2020 to the 1st respondent, who in turn forwarded the same to the respondents 2 and 3. Since, no action has been taken so far, the present writ petition has been filed.

3.Mr.P.Paramasiva Doss, learned counsel for the petitioner would submit that it would suffice, if a direction is issued to the 2nd respondent to take appropriate action on the representation of the petitioner.

4.Ms.Akhila Rajendran, learned Government Counsel appearing for the respondents 1 and 2, on instructions would submit that the representation of the petitioner is pending consideration with the 2nd respondent and he is ready to pass orders.

5.In the light of the limited scope of the prayer sought for in this writ petition and also considering the submissions made by the learned counsels, this Court without expressing any of the opinion on the merits of this case, directs the 2nd respondent to take appropriate action on the representation of the petitioner dated 14.10.2020, after affording necessary opportunities to the parties and such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jer



To

1.The District Collector
Villupuram District
Villupuram.

2.The Tahsildar
Gingee Taluk
Villupuram.

3.The Block Development Officer,
Vallam Union,
Villupuram District.

+2cc to Mr.P.Paramasiva Doss, Advocate, S.R.No.50329
+1cc to Mr.A.Paramasiva Doss , Advocate, S.R.No.50394
+1cc to the Government Pleader, S.R.No.50521

W.P.No.15858 of 2021

KK (CO)
PM/28/10/2021