



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 15.09.2021

CORAM:

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

W.P. No.19405 of 2021

M.Ramesh

.. Petitioner

Versus

1. The District Collector,
Namakkal District,
Namakkal.
2. The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
3. The Tahsildar,
Paramathi Velur,
Namakkal District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents to remove the encroachments on either side of the public cart track in S.No.634, Sithampoondi Village, Paramathi Velur Taluk, Namakkal District by considering the petitioner's representation dated 05.01.2021.

For petitioner : Mr.R.Dharshan
for Mr.N.Manokaran

For respondents : Mrs.Akila Rajendran, G.A.

ORDER

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

The Writ Petition is heard through video conferencing.

2. The petitioner has come forward with this Writ Petition, seeking direction to the respondents to remove the encroachments in S.No.684, Sithampoondi Village, Paramathi Velur



Taluk, Namakkal District by considering his representation dated 05.01.2021.

3. The petitioner would state that he is a resident of Sithampoondi Village and he is doing agricultural cultivation. He would claim that a cart track was formed in Survey No.684 in Sithampoondi Village, which is classified as proamboke land, having a width of 28 feet. It is alleged that due to the encroachment made by the neighboring land owners, now the width of the road is reduced to 12 feet. In this regard, he made a representation to the respondents, but no action has been taken.

4. Mr.R.Dharshan, learned counsel appearing for Mr.N.Manokaran, learned counsel for the petitioner would state that the Full Bench of this Court in the case of T.Ramaraju reported in 2005 (2) CTC 741 and the Hon'ble Apex Court in Tirupathy vs. State of Andra Pradesh reported in 2006 3 SCC 549, have issued direction to the concerned authorities to remove the encroachment in the public properties. He would further state that the petitioner would be satisfied if a direction is issued to the third respondent to take appropriate action on the representation of the petitioner.

5. Mrs. Akila Rajendran, learned Government Advocate appearing for the respondents would submit that the third respondent is the competent authority and he is ready to pass orders on the representation of the petitioner.

6. In the light of the prayer sought for in the Writ Petition and the submissions of the learned counsels made on either side, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to take action on the representation of the petitioner dated 05.01.2021, after providing ample opportunities to the necessary parties and such exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

7. With the above observations and directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar



To

WEB COPY

1. The District Collector,
Namakkal District,
Namakkal.

2. The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.

3. The Tahsildar,
Paramathi Velur,
Namakkal District.

+1cc to M/s.N.Manokaran, Advocate, S.R.No.46947

+1cc to the Government Pleader, S.R.No.217211

W.P. No.19405 of 2021

PMK(CO)
SB(06/10/2021)