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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.09.2021

CORAM

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

W.P.No.18722 of 2021

K.Varadharaj

... Petitioner

-VS-

1.The District Collector,
Krishnagiri District.

2.The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.

3.The Tahsildar,
Uthangarai, Krishnagiri District

4. C.Madhesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 3 to initiate appropriate action to remove the encroachments made by the 4th respondent in S.No.84 and 91, Mallapuram Village, Uthangarai Taluk, Krishnagiri District on the basis of the petitioner's representation dated 10.01.2021.

For petitioner : Mr.T.Arockia Das

For respondents : Mrs.Akila Rajendran

Government Counsel for R1 to R3



ORDER

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

The petitioner has come forward with this writ petition, seeking direction to the respondents 1 to 3 to initiate appropriate action to remove the encroachments made by the 4th respondent in S.Nos.84 and 91, Mallapuram Village, Uthangarai Taluk, Krishnagiri District, on the basis of the petitioner's representation dated 10.01.2021.

2.The petitioner would state that he is an agriculturist and having land in Survey No.92/1 to an extent of 81 ½ cents. He would further state that there is a lake, called Mallapuram Lake in Survey nos.84/6, 84/7 and 91, which spreads to an extent of about 66 acres. The grievance of the petitioner is that the 4th respondent, who owns a land nearby the said lake has encroached the lake area and also planted Mango trees. Hence, he sent a representation to the respondents on 12.08.2020 and 11.01.2021, but no proper action has been taken so far.

3.It is the submission of the learned counsel for the petitioner that the 3rd respondent is the competent authority and a direction may be issued to pass orders on the representation of the petitioner.

4.Mrs.Akhila Rajendran, learned Government Counsel appearing for the respondents 1 to 3 would state that the 3rd respondent received the representation dated 10.01.2021 of the petitioner and after conducting survey an appropriate action would be taken.

5.It is the contention of the learned counsel for the 4th respondent that the 4th respondent has not encroached upon the land, called Mallapuram Lake and the trees have been planted in his patta land.

6.In the light of the prayer sought for in this writ petition and also considering the facts and circumstances of this case, this Court without expressing any opinion in this matter, directs the 3rd respondent to consider the representation of the petitioner dated 10.01.2021 and take appropriate action in accordance with law, after providing opportunity to all the necessary parties, within a period of three months from the date of receipt of a copy of this order.



7. With the above direction, this writ petition stands disposed of. No costs.

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Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

Jer

To

1. The District Collector,
Krishnagiri District.

2. The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.

3. The Tahsildar,
Uthangarai, Krishnagiri District.

+1CC to M/s. Dass & Viswa Associates, Advocate, SR.No. 49680
+1CC to The Government Pleader, SR.No. 50135

W.P.No.18722 of 2021

CP(CO)
B.VC (08/11/2021)