



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM:

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

W.P.No.19645 of 2021

M.Anjalai

...Petitioner

Vs.

- 1.The District Collector,
District Collectorate,
Kallakurichi District.
- 2.The Revenue Divisional Officer,
Kallakurichi & Taluk,
Kallakurichi District.
- 3.The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.
- 4.The Block Development Officer,
Block Development Office,
Sankarapuram,
Kallakurichi District.
- 5.The Assistant Engineer,
Rural Highway Department,
Thiruvannamalai Road,
Sankarapuram & Taluk,
Kallakurichi District.

6.Chinnathambi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 05.07.2021 by removing the encroachments made upon in the Road (Pathai poramboke) situated at Survey No.48/1, Cholampattu Village, Sankarapuram Taluk, Kallkurichi District.



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For petitioner : Mr.V.Gunasekar

For respondents : Mr.T.N.C.Kaushik
Standing Counsel (for R1 to R5)

ORDER

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

Mr.T.N.C.Kaushik, learned Government Counsel takes notice for the respondents 1 to 5. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The prayer in this writ petition is to issue a Writ of Mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 05.07.2021 for removing the encroachments made upon in the Road (Pathai poramboke) situated at Survey No.48/1, Cholampattu Village, Sankarapuram Taluk, Kallkurichi District.

3.The petitioner would claim that she owns a land in S.No.51/1 to an extent of 1.50 acres. The land in S.No.48/1 has been classified as Pathai Poramboke, which is being used by the petitioner to reach her property for transportation of the agricultural products. The petitioner would allege that the 6th respondent has encroached the said Pathai Poramboke and constructed a shed in order to prevent the petitioner to reach her property. Therefore, she sent representations to the respondents on 26.05.2021 and 05.07.2021. Since no action has been taken, the present writ petition has been filed.

4.The learned counsel appearing for the petitioner Mr.V.Gunasekar would state that the petitioner would be satisfied, if a suitable direction is issued to the third respondent to consider the representation of the petitioner.

5.The learned Government Counsel appearing for the respondents 1 to 5 Mr.T.N.C.Kaushik would state that the third respondent is the competent authority, but so far he has not received any representation from the petitioner. He would further state that if a fresh representation is given to the third respondent, he is ready to take action.

6.In the light of the prayer sought for in this writ petition and also considering the submissions of the learned counsels, the petitioner is hereby directed to give a fresh representation to the third respondent enclosing a copy of this order, within a period of three weeks from the date of receipt



of a copy of this order. On receipt of such representation, the third respondent shall take appropriate action and pass orders in accordance with law, after providing ample opportunity to all the necessary parties, within a period of twelve weeks thereafter.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar

Skn

To

1. The District Collector,
District Collectorate,
Kallakurichi District.
2. The Revenue Divisional Officer,
Kallakurichi & Taluk,
Kallakurichi District.
3. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.
4. The Block Development Officer,
Block Development Office,
Sankarapuram,
Kallakurichi District.
5. The Assistant Engineer,
Rural Highway Department,
Thiruvannamalai Road,
Sankarapuram & Taluk,
Kallakurichi District.

+1cc to Mr.V.Gunasekar, Advocate SR.No.47617

+1cc to Government Pleader SR.No.47842

W.P.No.19645 of 2021

GPL (CO)
GMY (27/10/2021)