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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.20087 of 2021

Saraswathi

...Petitioner

-vs-

1 The District Collector,
Villupuram District.

2 The Revenue Tahsildar,
Sankarapuram Taluk,
Villupuram District.

3 Elumalai

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing 1st and 2nd respondents to remove the encroachment from the Government Prompoko common pathway in survey Nos.253/2 an extent of 0.57 Sq.m situated at Kalaiyanalur Village, Sankarapuram Taluk, Villupuram District, which encroached by the 3rd respondent by considering the petitioner's representation dated 03.05.2019 preferred before the 1st and 2nd respondents an accordance with law.

For the Petitioner : Mr.S.Mohamed Ansar

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for RR 1 and 2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance of the petitioner is that the private respondent has encroached on government poramboke land and invaded a pathway in survey No.253/2 at Kalaiyanalur Village, Sankarapuram Taluk of Villupuram District.



2. Mr.P.Muthukumar, learned State Government Pleader, takes notice on behalf of the respondent Nos.1 and 2. According to him, the second respondent Revenue Tahsildar, Sankarapuram Taluk, is the appropriate authority to look into the matter. However, learned State Government Pleader submits that in view of the ensuing local body elections, nothing can be done before October 16, 2021.

3. Accordingly, W.P.No.20074 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation pertaining to the matters complained of to the second respondent Revenue Tahsildar of Sankarapuram Taluk. Upon receipt of the representation, the Tahsildar will conduct an inquiry after giving due notice to the third respondent and any other person who may be affected thereby. In the event the Tahsildar finds any encroachment on a government land, the Tahsildar will take immediate appropriate steps in accordance with law for the removal thereof. At any rate, the Tahsildar's speaking order following his inquiry should be communicated to both the petitioner and the third respondent herein within a period of eight weeks from October 16, 2021.

4. Since this order does not prejudice the third respondent and the Tahsildar has been required to give notice to the third respondent before conducting the inquiry, no previous service has been directed to be made on the third respondent. However, the petitioner should immediately forward copies of the petition and this order to the third respondent.

There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To:

1 The District Collector
Villupuram District.



2

The Revenue Tahsildar
Sankarapuram Taluk
Villupuram District.

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+1 CC to The Government Pleader, Sr.No. 48246.

W.P.No.20087 of 2021

RR(CO)
LS(27/09/2021)