



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 08.10.2021

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CORAM:

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

W.P. No.19951 of 2021
and WMP.No.21212 of 2021

D.Rajasekaran

.. Petitioner

Versus

- 1.The District Collector,
District Collectorate,
Kallakurichi District.
- 2.The Sub Collector,
Revenue Divisional Office,
Kallakurichi District.
- 3.The Tahsildar,
Tahsildar Office,
Sankarapuram Taluk,
Kallakurichi District.
- 4.The Revenue Tahsildar,
Sankarapuram,
Kallakurichi District.
- 5.The Rural Development Officer,
Rural Development Office,
Sankarapuram Taluk,
Kallakurichi District.
- 6.The Superintendent of Police,
Sankarapuram Taluk,
Kallakurichi District.
- 7.The Village Administration Officer,
Village Administration Office,
Sankarapuram Taluk,
Kallakurichi District.



8. Thangayee

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachments in Old Survey No.140/1, New Survey No.300/2, Nedumanur Village, Sankarapuram Taluk, Kallakurichi District as per the Memorandum dated 02.09.2020 in C.Pa.A5/105/2020 issued by the fourth respondent in pursuance of his representation dated 06.02.2020.

For petitioner : Mr.C.Prabakaran

For respondents
for RR1 to 7 : Mrs.Akila Rajendran

ORDER

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

The Writ Petition is heard through video conferencing.

2. The prayer in the Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachment in Old Survey No.140/1, New Survey No.300/2, Nedumanur Village, Sankarapuram Taluk, Kallakurichi District.

3. The petitioner would state that an extent of 0.02.5 cents in Old Survey No.140/1, New Survey No.300/2 at Nedumanur Village was assigned in favour of his mother Dhanabakiyam, by the third respondent vide order dated 18.03.1991. Since then, they are in exclusive possession and enjoyment of the property. The remaining land in Survey No.300/2 is being used by the Villagers as a common pathway and the said pathway has been encroached by the eighth respondent. In this regard, a representation dated 06.02.2020 was sent to the official respondents to remove the encroachment. But not action has been taken so far, hence, the present Writ Petition.

4. The learned counsel appearing for the petitioner Mr.C.Prabakaran would state that the third respondent had already conducted survey and found that the eighth respondent has made encroachment. But subsequently, no action has been taken.

5. The learned Government Advocate appearing for the respondents 1 to 7 Mrs.Akila Rajendran, would state that the representation made by the petitioner has been received by the third respondent, who is the competent authority and he is ready to consider the representation of the petitioner.



6. In the light of the limited scope of the prayer sought for in the Writ Petition and considering the submissions made by the learned counsels appearing on either side, this Court, without expressing any opinion on the merit of matter, directs the third respondent to take appropriate action on the representation of the petitioner dated 06.02.2020 in accordance with law, after affording ample opportunity to the necessary parties. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

pvs
To

- 1.The District Collector,
District Collectorate,
Kallakurichi District.
- 2.The Sub Collector,
Revenue Divisional Office,
Kallakurichi District.
- 3.The Tahsildar,
Tahsildar Office,
Sankarapuram Taluk,
Kallakurichi District.
- 4.The Revenue Tahsildar,
Sankarapuram, Kallakurichi District.
- 5.The Rural Development Officer,
Rural Development Office,
Sankarapuram Taluk,
Kallakurichi District.
- 6.The Superintendent of Police,
Sankarapuram Taluk,
Kallakurichi District.



7.The Village Administration Officer,
Village Administration Office,
Sankarapuram Taluk,
Kallakurichi District.

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+1 CC to Mr.C.Prabakaran, Advocate sr 53317

W.P. No.19951 of 2021

KSM(CO)
SP(01/11/2021)