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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2021

CORAM:

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

W.P.No.23375 of 2021

P.Muthuvel

...Petitioner

Vs.

1. The District Collector of
Kallakurichi District,
Kallakurichi.
2. The Revenue Divisional Officer,
Nagaloor Village,
Kallakurichi Taluk and District.
3. The Revenue Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.
4. The Revenue Inspector,
Nagaloor Village,
Kallakurichi Taluk and District.

5. C.Saravanan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the third respondent herein to take action as per the report dated 08.05.2021 of the 4th respondent herein and to remove the encroachment made by the 5th respondent herein in the land measuring 0.13.48 hectares comprised in Survey No.101/23 described as "Kali Natham" at Vadapoondi Village, Nagaloor Post, Kallakurichi Taluk and District.

For petitioner : Mr.T.Dhanasekaran

For respondents : Mrs.Akila Rajendran
Govt. Counsel (for R1 to R4)



ORDER

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

Mrs.Akila Rajendran, learned Government Counsel takes notice for the respondents to 1 to 4. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come forward with this writ petition seeking for issuance of a Writ of Mandamus directing the third respondent to take action as per the report of the 4th respondent dated 08.05.2021 and to remove the encroachment made by the 5th respondent in the land measuring to an extent of 0.13.48 hectares comprised in Survey No.101/23 described as "Kali Natham" at Vadapoondi Village, Nagaloor Post, Kallakurichi Taluk and District.

3.The petitioner would state that he is native of Vadapoondi village, Nagaloor Post, Kallakurichi Taluk and District. He and his family members are devotees of Arulmighu Muthumariamman Temple in Vadapoondi village. The said temple has been constructed in the land measuring to an extent of 0.0040 Hec in S.No.101/22. The people of the said village are conducting annual festival and putting up pongal for offering the goddess in the adjacent vacant land measuring to an extent of 0.13.48 Hec., comprised in S.No.101/23. It is alleged that the 5th respondent has encroached upon the said adjacent land by putting up thatched shed. Hence, representations were made to the respondents for removal of encroachments.

4.It is the case of the petitioner that the fourth respondent and the Village Administrative Officer conducted an enquiry and also sent a report to the third respondent confirming encroachment, however, no action was taken subsequently.

5.The learned Government Counsel appearing for the respondents 1 to 4 would state that the third respondent is the competent authority and he has already received a report and action will be taken in accordance with law.

6.We have heard Mr.T.Dhanasekaran, learned counsel for the petitioner and perused the available records.

7.In the light of the above fact, this Court without expressing any opinion on the merits of the matter, directs the third respondent to take appropriate action on the representations of the petitioner, dated 26.04.2021 and 08.05.2021, after providing ample opportunity to all the necessary parties within a period of six months from the date of receipt of a copy of this order.



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8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

skn

To

1. The District Collector of
Kallakurichi District,
Kallakurichi.
2. The Revenue Divisional Officer,
Nagaloor Village,
Kallakurichi Taluk and District.
3. The Revenue Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.
4. The Revenue Inspector,
Nagaloor Village,
Kallakurichi Taluk and District.

+lcc to Mr.T.Dhanasekaran, Advocate SR. No.56984

+lcc to the Government Pleader SR. No.56693

W.P.No.23375 of 2021

RSI (CO)

PR (01/12/2021)