



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.10.2021

CORAM:

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

W.P. No.22592 of 2021

R.Venkatesan

.. Petitioner

Versus

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Salem District Collector Office,
Ground Floor, Brett's Road,
Salem.

3.The Tahsildar,
Hasthampatty,
Salem District, Salem.

4.D.R.Bangaru @ Chellammal

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the encroachment made by the fourth respondent in the public road in S.No.157/8 of Dasanaickanpatty Village, Salem District by considering the petitioner's representation dated 28.08.2021.

For petitioner : Mr.S.Sivakumar

For respondents

for RR1 to 3 : 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 2 and 3 to remove the encroachment made by the fourth respondent in the public road in S.No.157/8 of Dasanaickanpatty Village, Salem District by considering the representation of the petitioner dated 28.08.2021.



3. The petitioner would state that he is residing at Door No.4/95, Perumal Koil Street, Dasanaickanpatty Village, Salem District and about 100 families are living in the Village. The petitioner would further state that there is a public road in Survey No.157/8 to an extent of 54 feet length towards East to West and 9 ¼ feet breadth towards South to North. The public road is being maintained by the Village Panchayat.

4. The petitioner would allege that the fourth respondent and her husband constructed a house in their patta land and thereafter, encroached on the public road, preventing the petitioner and other public from using the road. Hence, he gave a representation to the respondents 1 to 3 on 15.04.2019 to remove the encroachment made by the fourth respondent.

5. It is stated that the second respondent issued a memo dated 14.06.2019, directing the third respondent to take necessary action, but no proper action has been taken, hence, the present Writ Petition.

6. The learned counsel appearing for the petitioner Mr.S.Sivakumar submitted that the petitioner would be satisfied if a suitable direction is issued to the third respondent to take action on the representation of the petitioner.

7. The learned Government Advocate appearing for the respondents 1 to 3 Mrs.Akila Rajendran would state that the third respondent is the competent authority and he is ready to take appropriate action on the representation of the petitioner.

8. In the light of the submissions of the learned counsels appearing on either side and also considering the prayer sought for in the Writ Petition, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to take appropriate action on the representation of the petitioner dated 28.08.2021 in accordance with law, after affording ample opportunity to the necessary parties within a period of six months.

9. With the above directions, the Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar(CS IV)

True Copy

Sub-Assistant Registrar



pvs
To

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Salem District Collector Office,
Ground Floor, Brett's Road,
Salem.

3.The Tahsildar,
Hasthampatty,
Salem District, Salem.

+1 CC to Mr.S.Sivakumar, Advocate sr 54511
+1 CC to The Government Pleader sr 54646.

W.P. No.22592 of 2021

BS (CO)
SP(09/11/2021)