



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.22584 of 2021

Suburayan

...Petitioner

Vs.

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2.The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

3.Thasildhar,
Thiruvannamalai,
Tiruvannamalai District.

4.Vanniyaraja

5.Manigandan

...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 to take appropriate action as per the direction of 1st respondent in O.Mu.(A2) 7018/2019 dated 18.03.2019 and followed by 2nd respondent order in O.Mu.Ka.No.A5/1579/2019 dated 29.03.2019 within a stipulated time as fixed by this Court.

For petitioner : Mr.S.Sarath Chandran

For respondents : Mrs.Akila Rajendran

Govt. Counsel (for R1 to R3)

ORDER

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

Mrs.Akila Rajendran, learned Government Counsel takes notice for the respondents 1 to 3. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come up with this writ petition seeking for issuance of a Writ of Mandamus directing the third respondent to take appropriate action as per the direction



issued by the respondents 1 and 2 on 18.03.2019 and 29.03.2019 respectively within a time framed.

3.The petitioner would state that he is a permanent resident of Anaipiranthan village, Tiruvannmalai District and he owns 50 acres of land. He further stated that a cart-road is formed in S.Nos.34 and 41/1 of Anaipiranthan village for usage of the petitioner as well as the other land owners for their day today activities.

4.Mr.S.Sarath Chandran, learned counsel for the petitioner would state that the respondents 4 and 5 have encroached upon the Government Poramboku land in S.No.34 and 41/1 of the village and constructed compound wall. In view of the same, the petitioner could not able to take tractor and bullock cart to his land. Hence, he made representations to the respondents 1 to 3 to remove the encroachment. Though the respondents 1 and 2 have issued direction to the third respondent to take action, but for the last two years, no action was taken. Hence, the present writ petition. He would further submit that it would suffice, if a suitable direction is issued to the third respondent to take action on the representations of the petitioner.

5.The learned Government Counsel appearing for the respondents 1 to 3 would state that the third respondent is the competent authority, but so far, no conclusion has been reached that the respondents 4 and 5 have encroached upon the land in dispute, however, the third respondent is ready to take action in accordance with law.

6.In the light of the above submissions of the learned counsels and also taking note of the prayer sought for in this writ petition, 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 26.12.2018 and 04.03.2019 after providing sufficient opportunity to all the necessary parties. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2.The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

3.Thasildhar,
Thiruvannamalai,
Tiruvannamalai District.

+1 CC to The Government Pleader sr 55036.

W.P.No.22584 of 2021

MG(CO)
SP(19/11/2021)