



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.11.2021

CORAM:

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

W.P. No.23996 of 2021

M.M.Krishnan

.. Petitioner

Versus

1. The District Collector,
Villupuram.
2. The Tahsildar,
Melmalyanur Taluk,
Villupuram District.
3. The Village Administrative Officer,
Melmalyanur.
4. The Revenue Inspector,
Melmalyanur,
Melmalyanur Taluk,
Villupuram District.
5. Jayaprakash
6. Azharuddin

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 13.09.2021 and consequently, direct the 2nd respondent to remove the encroachment put by 5th and 6th respondent.

For petitioner : Mr.R.Prasanna Vineeth Durai
For respondents
for RR1 to 4 : Mr.L.S.M.Hasan Faizal
Government Advocate

ORDER

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

The Writ Petition is heard through video conferencing.



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2. By consent of the parties, the Writ Petition is taken up for final disposal.

3. Heard Mr.R.Prasanna Vineeth Durai, learned counsel for the petitioner and Mr.L.S.M.Hasan Faizal, learned Government Advocate for the respondents 1 to 4.

4. The prayer in the Writ Petition is to issue a Writ of Mandamus, directing the second respondent to consider the representation of the petitioner dated 13.09.2021.

5. The petitioner would state that the plot bearing No.6D comprised in Survey No.109 measuring an extent of 1615 sq.ft. was assigned in favour of the petitioner on 11.08.1986 by the Senji Special Tahsildar and he was also issued with patta. It is the further case that a common passage having 2 metres width and 86.5 metres length is formed in the area for the ingress and egress of the petitioner as well as the other residents. While so, the respondents 5 and 6, who are the owners of the plot Nos.6B and 6E have encroached upon the passage, thereby obstructing the petitioner from using the road. Hence, the representations were made to the official respondents.

6. The learned counsel appearing for the petitioner Mr.R.Prasanna Vineeth Durai would argue that though the official respondents have inspected the area and found enroachment, no action has been taken to remove the same. He further added that it would suffice if a direction is issued to the second respondent to consider the representation of the petitioner.

7. The learned Government Advocate Mr.L.S.M.Hasan Faizal, would state that the second respondent is the competent authority and he is ready to take action on the basis of the representation of the petitioner.

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

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



pvs

To

1. The District Collector,
Villupuram.

2. The Tahsildar,
Melmalyanur Taluk,
Villupuram District.

3. The Village Administrative Officer,
Melmalyanur.

4. The Revenue Inspector,
Melmalyanur,
Melmalyanur Taluk,
Villupuram District.

+1 cc to Mr.N.Prem Kumar, Advocate Sr.NO. 58117

W.P. No.23996 of 2021

RSV(CO)

A.SK(26.11.2021)