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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM:

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

W.P.No.25329 of 2021

1.R.Ilaiyappan
2.N.P.Kandasamy
3.E.Anbazhagan
4.E.Ramasamy
5.D.Viji

...Petitioners

Vs.

1.The District Collector,
Office of the District Collectorate,
Namakkal.

2.The Tahsildar,
Office of Tahsildar,
Senthamangalam,
Senthamangalam Taluk,
Namakkal District.

3.K.Padmanabhan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to remove the encroachments made by the third respondent into the pathway laid on the Government Poramboke land classified as 'Vellavari' comprised in S.No.305/6 in Belukurichi Village of Senthamangalam Taluk by considering the petitioners' representation dated 22.10.2021.

For petitioner : Mr.D.Vairamoorthy

For respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
(for R1 and R2)



ORDER

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

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Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader takes notice for respondents 1 and 2. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents 1 and 2 to remove the encroachments made by the third respondent in S.No.305/6 situated at Belukurichi Village of Senthamangalam Taluk, by considering the petitioners' representation dated 22.10.2021.

3.The petitioners would state that they own lands in the above said village in various survey numbers and they have been using northern side public pathway in S.No.305/6. While so, the third respondent, who owns agricultural lands and Sago factory on the western side of the pathway, has encroached upon the pathway by heaping stones over the same, which causes hardship to the petitioners as well as other villagers. Hence, a representation was sent to the respondent on 22.10.2021. It is further stated that the first respondent on receipt of the representation, has directed the second respondent to remove the encroachment, but no action has been taken so far.

4.The learned counsel for the petitioner Mr.D.Vairamuthu would submit that the petitioner would be satisfied, if a suitable direction is issued to the second respondent to take appropriate action on the representation of the petitioners.

5.The learned Additional Government Pleader Mr.L.S.M.Hasan Fizal would state that the second respondent is the competent authority and he is ready to pass orders on the representation of the petitioner.

6.In the light of the limited scope of the prayer sought for in this writ petition and the submission 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 petitioners dated 22.10.2021 and take appropriate action in accordance with law, after affording ample opportunity to all the necessary parties. The said 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 observations and directions, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

skn

To

1. The District Collector,
Office of the District Collectorate,
Namakkal.

2. The Tahsildar,
Office of Tahsildar,
Senthamangalam,
Senthamangalam Taluk,
Namakkal District.

+1cc to Mr.S.Senthil, Advocate SR.No.62290

W.P.No.25329 of 2021

RR(CO)
GMY(10/12/2021)