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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.25301 of 2021

P.Venkatachalam

... Petitioner

Vs.

1.The District Collector,
Erode District,
Erode.

2.The Tahsildar,
Anthiyur Talk,
Anthiyur,
Erode District.

3.Selvan @ Selvaraj

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first and second respondents to remove the encroachments in the poramboke land which is classified as Manthai in Survey No.332 situated at Kannappalli village, Anthiyur Taluk, Erode District within the time frame.

For petitioner : Mr.C.Munusamy

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)

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.

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2.This writ petition has been filed seeking for issuance of a Writ of Mandamus directing the first and second respondents to remove the encroachments in Survey No.332 at Kannappalli village, Anthiyur Taluk, Erode District, which is classified as 'Manthai'.

3.The petitioner would claim that he owns agricultural lands in S.Nos.347. 334/1 and 334/2 at Kannappalli village, Anthiyur Taluk, Erode District. It is further stated that S.No.332 of the village has been classified as 'Manthai' and the same is being used by the petitioner as well as other villagers for their ingress and egress to reach their property.

4.The petitioner has alleged that the third respondent has encroached upon the pathway by putting up stones and other materials. Due to which, they are not able to use the pathway. Hence, a representation was given to the respondent on 06.11.2021, but no action has been taken so far. Hence, the present writ petition.

5.The learned counsel for the petitioner Mr.C.Munisamy would state that the petitioner would be satisfied, if a suitable direction is issued to the second respondent to consider the representation of the petitioner.

6.The learned Additional Government Pleader Mr.L.S.M.Hasan Fizal, on instructions, would state that the representation of the petitioner is pending with the second respondent and he is ready to take action in accordance with law.

7.In the light of the above facts and the prayer sought for in this writ petition, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to take appropriate action on the representation of the petitioner dated 06.11.2021 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.

8.With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

skn

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To

1. The District Collector,
   Erode District,
   Erode.

2. The Tahsildar,
   Anthiyur Talk,
   Anthiyur,
   Erode District.

+1cc to Mr.C.Munusamy, Advocate, S.R.No.62089

W.P.No.25301 of 2021

RR(CO)
CT 10/12/2021

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