



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2021

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)NO.21255 OF 2021

Perumal

:Petitioner

.vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Tahsildar,
Sathankulam Taluk,
Sathankulam,
Thoothukudi District.
- 3.The Block Development Officer(Village Panchayat),
Alvarthirunagari Union,
Thoothukudi District.
- 4.The President,
SriVenkateshwarapuram Village Panchayat,
Alvarthirunagari Union,
Thoothukudi District.

5.Amalraj

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in S.No.910/2, Government Poramboke for an extent of 0.00.65 Hectares which situates at Srivenkateshwarapuram Village, Sathankulam Taluk, Thoothukudi District by correcting the revenue records and take necessary action against the erring officials on the basis of the Petitioner's representation, dated 28.08.2021 within the time frame fixed by this Court.

For Petitioner

:Mr.T.Vadivelan

For Respondents

:Mr.P.Subbaraj

<https://hcservices.ecourts.gov.in/hcservices> And 2

Special Govt.Pleader



For Respondents
3 and 4

:Mr.P.Thilakkumar
Govt.Pleader

O R D E R

(Order of the Court was made by PUSHPA SATHYNARAYANA,J)

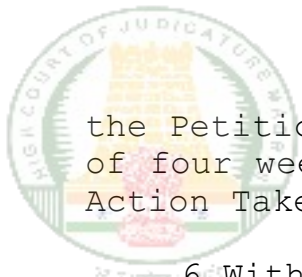
This writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in S.No.910/2, Government Poramboke for an extent of 0.00.65 Hectares which situates at Srivenkateshwarapuram Village, Sathankulam Taluk, Thoothukudi District by correcting the revenue records and take necessary action against the erring officials on the basis of the Petitioner's representation, dated 28.08.2021.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that he is an agricultural coolie residing in the Petition mentioned address. The fifth respondent herein is having his house at S.F.No.910/1 and there is a common pathway situated in S.F.No.910/2.It is further stated that the fifth respondent is having 18 cents of land in S.F.No.910/1 and by encroaching upon the common pathway in S.No.910/2 and had obtained forged documents as if he is having 20 cents of land and had constructed a compound wall obstructing the common pathway. Due to the encroachment made by the fifth respondent, the villagers could not get electricity connection in that area and unable to lay pipe line for getting drinking water and also not in a position to use the said pathway as a common pathway. In this regard, the Petitioner has submitted a representation on 28.08.2021 to the respondents for removing the encroachment made by the fifth respondent. They have also sent representations on 29.09.2021 and 2.11.2021 for redressing the above grievances.Since no action was taken on the representations, the Petitioner has filed this Writ Petition for the relief stated supra.

4.The learned Government Pleaders appearing for the respondents would submit that if suitable direction is given, the authorities concerned are ready to consider the representation of the Petitioner, in the manner known to law, within the time prescribed by this Court.

5.In view of the above submission, this Court, without going into the merits of the claim made by the Petitioner, directs the second respondent to consider the representation submitted by the Petitioner on 28.08.2021 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to



the Petitioner and other interested parties, if any, within a period of four weeks from the date of receipt of a copy of this order. The Action Taken Report shall be communicated to Petitioner forthwith.

6. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The District Collector,
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Thoothukudi.
2. The Tahsildar,
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Sathankulam,
Thoothukudi District.
3. The Block Development Officer(Village Panchayat),
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4. The President,
SriVenkateshwarapuram Village Panchayat,
Alvarthirunagari Union,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-36742[F] dated 01/12/2021)

W.P(MD)NO.21255 OF 2021

30.11.2021

RD(23.12.2021) 3P 6C