



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.02.2022

CORAM

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

W.P.NO.1523 OF 2022

O.S.Murugesan, M/Aged 65 years
S/o Saakkan
No.4/148, Palani Nagar, Sesampatti
Nallampalli Post and Taluk
Dharmapuri - 636 807.

...Petitioner

vs

1.The Additional Chief Secretary
The Commissioner of Revenue Department
Chepauk, Chennai - 600 005.

2.The District Collector
Dharmapuri District,
Dharmapuri.

3.The District Forest Officer
Dharmapuri District,
Dharmapuri.

4.The Revenue Divisional Officer
Dharmapuri District,
Dharmapuri.

5.The Tahsildar
Nallampalli Taluk
Dharmapuri District.

6.Mathammal

7.Gopal

8.Marimuthu

9.Nirmala

10.Karthick

11.Arun

...Respondents



PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 5 to hold/conduct an enquiry based on the petitioner's representation dated 17.02.2021 and subsequent to remainder dated 10.07.2021 to remove the encroachment made by the respondents 6 to 11 in so far as Elagiri Village Survey Number 359/5 to the extent of 1.15 acres situated at Nallampalli Taluk, Dharmapuri District within the time frame.

For petitioner : Mr.K.Gandhi Kumar

For respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader
for RR1 to 5

ORDER

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

Mr.V.P.R.Elamparithi, learned Additional Government Pleader takes notice for the respondents 1 to 5.

2.By consent, this writ petition has been taken up for final disposal at the admission stage itself.

3.The prayer in this writ petition is to issue directions to the respondents 1 to 5 to conduct enquiry based on the representation of the petitioner dated 17.02.2021.

4.The learned counsel for the petitioner, Mr.K.Gandhi Kumar, would argue that the petitioner is the owner of the land in Survey no.359/8, measuring to an extent of 1.44 acres and the adjacent land in Survey No.359/5 has been classified as 'Anathina Poramboke land' and it has an extent of 1.15 acres. It is the submission of the learned counsel for the petitioner that the private respondents 6 to 11 have encroached the 'Anathina Poramboke land' and also cut and removed the trees planted in the said land. In this regard, the petitioner sent a representation to the respondents 1 and 2 on 17.02.2021, but no action was taken.

5.The learned Additional Government Pleader, Mr.V.P.R.Elamparithi, appearing for the respondents 1 to 5 would state that the representation sent by the petitioner to the respondents 1 and 2 has been forwarded to the 5th respondent, who is the competent authority to consider the grievance of the petitioner and he is ready to take action in accordance with law.

6.In the light of the submissions of the learned counsels and also considering the prayer sought in this writ petition, this Court without expressing any opinion on the merits of the



matter directs the 5th respondent to take appropriate action on the representation of the petitioner dated 17.02.2021, in accordance with law, after providing 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 stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1. The Additional Chief Secretary
The Commissioner of Revenue Department
Chepauk, Chennai - 600 005.
2. The District Collector
Dharmapuri District,
Dharmapuri.
3. The District Forest Officer
Dharmapuri District,
Dharmapuri.
4. The Revenue Divisional Officer
Dharmapuri District,
Dharmapuri.
5. The Tahsildar
Nallampalli Taluk
Dharmapuri District.

+1cc to Mr.K.Gandhi Kumar, Advocate Sr.No.6916

W.P.No.1523 of 2022

KG(CO)
RVM(03/03/2022)