



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.NO.3015 OF 2022

Pachaiyammal

... Petitioner

vs

1. The District Collector,
Perambalur District.

2. The Tahsildhar,
Alathur Taluk,
Perambalur District.

3. The Block Development Officer,
Office of the Block Development Officer,
Alathur Taluk,
Perambalur District.

4. Subramani

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the official respondents to consider the representation of the petitioner dated 20.07.2021 and pass orders on the representation of the petitioner and thereby to remove the encroachments made on the common passage by the private respondent within a time frame fixed by this Court.

For Petitioner : Mr.G.Ilamurugu

For Respondents : Mr.K.V.Sajeev Kumar,
Special Government Pleader
for R1 and R2
Mr.S.Ravikumar for R3



ORDER

[Order of this Court was delivered by T.RAJA, J.]

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The petitioner has come to this Court seeking a direction to the official respondents to consider his representation dated 20.07.2021 and pass orders by removing the encroachments made on the common passage by the private respondent within a time frame fixed by this Court.

2.Learned counsel appearing for the petitioner submitted that the fourth respondent is encroaching the land covered in Survey No.347/6, situated at Alli Ngaram Village, Alathur Taluk, Perambalur District, by interfering with the public property along with his property. In this regard, the petitioner made a complaint/representation dated 20.07.2021 to the official respondents to remove the obstruction and the encroachment made by the private individuals. Therefore, the District Collector, Perambalur District, the first respondent herein directed the Tahsildhar, Alathur Taluk, Perambalur District, the second respondent herein to initiate action on his representation dated 20.07.2021 vide Proceedings dated 28.07.2021 and in turn, pursuant to the said communication of the first respondent, the second respondent also issued a memo dated 02.09.2021 directing the Revenue Inspector of Koothur to make an inspection and enquire into the matter and to submit his report. Since there was no progress thereafter, the petitioner is before this Court.

3.On instructions, learned Special Government Pleader appearing for respondents 1 and 2 submitted that the fourth respondent is the Brother in law of the petitioner and that the records would show that the petitioner is also one of the encroachers. Therefore, if sufficient time is given, official respondents would be able to find out as to who are the encroachers, by conducting proper enquiry, according to law and would take final call.

4.Considering the limited relief sought for in this petition and without going into the merits of the matter, we hereby direct the Block Development Officer, Perambalur District, the third respondent herein, who is the custodian of the entire area and the District Collector, Perambalur District, the first respondent herein to take action for removal of the encroachment, after conducting proper enquiry and giving notice to all the necessary parties concerned, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



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5. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vga

To

1. The District Collector,
Perambalur District.
2. The Tahsildhar,
Alathur Taluk,
Perambalur District.
3. The Block Development Officer,
Office of the Block Development Officer,
Alathur Taluk,
Perambalur District.

+1cc to Mr.G.Ilamurugu, Advocate, S.R.No.10572

W.P.No.3015 of 2022

GPL(CO)
RLP(02/03/2022)