



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.6705 of 2022

K.Veeramani

...Petitioner

vs

1. The District Collector,
1st Floor, Main Building,
Tiruchengode Road,
Namakkal District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Mohanoor Road,
Namakkal District.
3. The Thasildar,
Thasildar Office,
Rasipuram Town Post,
Rasipuram Taluk,
Namakkal District-637 408.

4. P.Eswaran

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to remove the encroachments and fencing erected by the fourth respondent in odai situate in S.No.25/2 classified as Vadikal in Pillanallur Village, Tiruchengode Taluk, Namakkal District based on the petitioner's representation dated 04.07.2019.

For Petitioner : Mr.SP.Yuvaraj

For Respondents: Mr.A.Selvendran,
Special Government Pleader
for R1 to 3



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

2.Learned counsel appearing for the petitioner submitted that the petitioner, who is owning 12 acres of land, was the agriculturist in Pillanallur Village and that there is an Odai near to his land. Since the said Odai has been running during rainy seasons, the same is useful to the petitioner's land and all the other villagers. However, S.Nos.16 and 26 are owned by the fourth respondent and the said Odai is also running between the above survey numbers of the fourth respondent. Learned counsel for the petitioner further submitted that the Odai runs in S.No.25/2 is almost 10 feet breadth and a public pathway has also been running adjacent to the Odai, measuring to 15 feet breadth. While so, the fourth respondent has encroached the Odai and the pathway by putting fence to his land, thereby preventing the public from using the pathway. Therefore, unless the representation dated 04.07.2019 made by the petitioner to respondents 1 to 3 to take immediate action to remove the encroachments and fencing, which were put across the near odai and public pathway is considered, not only the petitioner even the other villagers are also put to huge prejudice. As the same has not been considered, the petitioner is before this Court.

3.Learned Special Government Pleader appearing for respondents 1 to 3, placing on record a written instruction dated 27.03.2022, received from the Revenue Tahsildar, Namakkal District, submitted that since the fourth respondent has put up a fencing, encroaching the Government poromboke land, if reasonable time is granted, after issuing notice to the necessary parties, the petitioner's representation dated 04.07.2019 will be disposed of, as per law. Therefore, the learned Special Government Pleader sought eight weeks time to consider the above grievances made by the petitioner.

4. Considering the limited relief sought for in this petition and without going into the merits of the matter, we hereby direct the Official respondents to dispose of the petitioner's representation dated 04.07.2019 and pass appropriate orders, on merits and in accordance with law, within a period of eight



weeks from the date of receipt of a copy of this order, after giving notice to the petitioner, the fourth respondent and other necessary parties.

5. Needless to mention that if the competent authority comes to the conclusion, on the basis of the revenue records that the fourth respondent had encroached the land and also the pathway, the encroachment shall be removed in accordance with law.

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

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vga

To

1. The District Collector,
1st Floor, Main Building,
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Rasipuram Town Post,
Rasipuram Taluk,
Namakkal District-637 408.

+1cc to Mr.Yuvaraj, Advocate, S.R.No.20949

+1cc to the Government Pleader, S.R.No.21071

W.P.No.6705 of 2022

MG(CO)
RGA(21/04/2022)