



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

W.P.No.9359 of 2022

K.Kaliyan

...Petitioner

Vs

1. The District Collector,
Perambalur,
Perambalur District.
2. The Revenue Divisional Officer,
Perambalur,
Perambalur District.
3. The Tahsildar,
Kunnam Taluk,
Perambalur District.
4. The Revenue Divisional Officer,
Varugoor, Kunnam Tk,
Perambalur District.
5. S.Ganeshan
6. S.Chinnasamy
7. K.Sanjevi

...Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to take action based on the communication issued by the second respondent in O.Mu.A3/890/2022 dated 18.02.2022 pursuant to the representation dated 30.07.2021 within the stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.R.Rajasekar

For R1 to R4 : Mr.V.Veluchamy
Additional Government Pleader



ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the third respondent to take action based on the communication issued by the second respondent in O.Mu.A3/890/2022 dated 18.02.2022 pursuant to the representation dated 30.07.2021 within the stipulated time fixed by this Hon'ble Court.

2. Mr.V.Veluchamy, learned Additional Government Pleader takes notice for the respondents 1 to 4. In view of the limited relief sought for in this petition, on the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal. No adverse order is passed against the respondents 5 to 7 and hence, their presence is dispensed with.

3. The case of the petitioner is that, the petitioner is a resident of Kunnam Village and he belongs to Hindu Adi Dravidar community. He owned land to an extent of 0.68.0 Ares and the said land is situated in the Odai Poramboke in Survey No.415/14. While so, the respondents 5 to 7 formed a road adjacent to the subject land. Objecting the same, the petitioner made an application dated 30.07.2021 to the respondents 1 to 3. However, till date no order has been passed on the same. Hence, this present petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that pending this petition, the second respondent has directed the third respondent to take action on the basis of the representation of the petitioner dated 30.07.2021 and therefore it would suffice if this Court issues direction to the third respondent to take action based on the communication issued by the second respondent dated 18.02.2022 and pass appropriate orders within a particular time frame fixed by this Court.

5. The learned Additional Government Pleader would submit that if any encroachment is made by the petitioner or the fifth respondent in the subject property, that encroachment will be removed in the manner known to law and action would be taken by the third respondent within the time stipulated by this Court.

6. In view of the aforesaid submissions, the third respondent is directed to take action on the basis of the direction of the second respondent dated 18.02.2022 with regard to encroachment and after affording an opportunity of hearing to the petitioner and the respondents 5 to 7 herein and to remove the encroachment made by any party including petitioner or the



fifth respondent in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Perambalur,
Perambalur District.
2. The Revenue Divisional Officer,
Perambalur,
Perambalur District.
3. The Tahsildar,
Kunnam Taluk,
Perambalur District.
4. The Revenue Divisional Officer,
Varugoor, Kunnam Tk,
Perambalur District.

+1cc to Government Pleader SR. No. 26758

+1cc to Mr.R.Rajasekar, Advocate SR. No. 26658

W.P.No.9359 of 2022

AKII (CO)

PR (06/05/2022)