

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.21694 of 2022

S.Ravichandran

... Petitioner

Vs.

1.The District Collector
Dindigul District,
Dindigul - 624 004.

2.The Tahsildar
Athoor Taluk,
Athoor,
Dindigul District - 624701.

3.The Block Development Officer
Athoor Panchayat Union,
(Office at Sempatti),
Dindigul District - 624 707.

4.Nagappan

5.Veerapandi

6.N.Veeramalai

7.A.Thangavel

8.M.Sethumadhavan

9.Kariyakkal

10.Muthammal

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the respondents 4 to 10 in the public water body Venkatasamynaickenkulam (Pond) in S.No.236 and feeder channels (Odai) situate in S.Nos.250/1 and 251 and water course and cart track in Survey Nos.236/1A and 236/2A in Ambathurai village, Athoor Taluk, Dindigul District and to restore them to its original position free from any encroachments.

For Petitioner : Mr.S.Vedachalam

For Respondents : Mr.N.G.A.Nataraj - for R1 to R3
Government Advocate

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Mr.N.G.A.Nataraj, learned Government Advocate, takes notice for respondents 1 to 3.

2. Since the writ petition is disposed of at the admission stage itself and considering the nature of relief sought for by the petitioner, notice to respondents 4 to 10 is dispensed with.

3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The grievance of the petitioner is that he made a representation dated 16.02.2021 to the first respondent to take necessary action to remove the pathway encroachment. Pursuant to which, a communication was sent by the Block Development Officer-third respondent, to the Tahsildar-second respondent

on 12.03.2022 for removal of encroachment. Despite the same, no steps have been taken and hence, the petitioner has approached this Court by filing this Writ Petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

6. The learned counsel for the petitioner submitted that even though the petitioner made a representation as early as on 16.02.2021 ventilating the above grievance, till date no response is forthcoming from the side of the official respondents. Hence, the learned counsel for the petitioner prayed for a direction to the official respondents to consider the petitioner's representation, dated 16.02.2021 on merits and in accordance with law within a stipulated time.

7. The learned Government Advocate appearing for the respondents 1 to 3 would submit that if a reasonable time is granted to the respondents 1 to 3, appropriate orders will be passed on the representation of the petitioner.

8. In view of the above submission and also considering the limited scope of the relief sought for, this Court, without going into the merits of the claim made by the petitioner, directs the respondents 1 to 3, to consider the representation of the petitioner, dated 16.02.2021 in the light of the orders passed by the Block Development Officer, Athoor Panchayat Union, Dindigul District, dated 12.03.2021 and pass appropriate orders, on merits and in accordance with law, after giving due notice to all the parties concerned, within a period of eight (8) weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D., J.] [J.S.N.P., J.]

14.09.2022

Index : Yes / No
Internet : Yes / No
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To

- 1.The District Collector
Dindigul District,
Dindigul.
- 2.The Tahsildar
Guziliamparai Taluk,
Guziliamparai.
- 3.The Block Development Officer
Guziliamparai Town Panchayat,
Gujiliyamparai.

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