



WEB COPY



W.P.No.33773 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

AND

THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.P.No.33773 of 2023

A.S.Viswanathan

.. Petitioner

Vs.

1.The District Collector
Namakkal District

2.The Revenue Divisional Officer
Tiruchengode
Namakkal District

3.The Tahsildar
Paramathi Velur Taluk
Namakkal District

4.The Block Development Officer
Kabilarmalai Panchayat Union
Paramathi Velur Taluk
Namakkal District

5.Muthusamy

6.Saravanan

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 4 to remove



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the encroachments in Government Cart Track S.F.No.138/1 of Kurumbalamahadevi Village, Paramathi Velur Taluk, Namakkal District, made by the respondents 5 and 6 by considering the petitioner's representation dated 24.05.2023 and proceedings of the 3rd respondent dated 06.07.2023.

For Petitioner : Mr.R.Prabakar
For R1 to R4 : Mr.P.Muthukumar
Government Pleader

ORDER

(Order of the court was made by R. MAHADEVAN, J.)

This writ petition has been filed by the petitioner seeking a direction to the respondents 1 to 4 to remove the encroachments in the Government Cart Track S.F.No.138/1 of Kurumbalamahadevi Village, Paramathi Velur Taluk, Namakkal District, made by the respondents 5 and 6, by considering the petitioner's representation dated 24.05.2023 as well as the proceedings of the third respondent dated 06.07.2023.

2. According to the petitioner, he is the owner of the agricultural lands to an extent of 3 acres in S.F.Nos.113/1B1, 113/2A1, 113/1B2, 113/2A2 and 7 acres in S.F.No.147 of Kurumbalamahadevi Village, Paramathi Velur Taluk and he used to reach his fields through the Government cart track situated in S.F.No.138/1. The petitioner and four others are using the said cart track more



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than a decade, for transporting their cultivation products. While so, the respondents 5 and 6, who are owning lands in S.F.Nos.138/2A and 148, respectively, planted 20 coconut saplings encroaching the said cart track. Due to this encroachment, the petitioner is not able to access through the Government Cart Track to go to his fields. Therefore, the petitioner sent representations dated 18.04.2023 and 19.04.2023 to the Survey Department authorities to take action against the respondents 5 and 6 for the encroachment they made. Since none of his representations were acted upon, the petitioner lodged a complaint on 24.05.2023 on the Farmer's Grievance Day in the Jamabandi in person. Thereafter, survey was conducted and the encroachments made by the respondents 5 and 6 were identified by the Firka Surveyor and he prepared his report dated 19.06.2023. The 3rd respondent, by proceedings dated 06.07.2023, forwarded the petitioner's complaint dated 24.05.2023 along with the Firka Surveyor's Report dated 19.06.2023 to the 4th respondent for further course of action. However, there is no progress. Despite several requests by the petitioner, no steps were taken to remove the said encroachment, which made the petitioner to approach this Court with the above prayer.

3. The learned counsel for the petitioner submitted that it would suffice if a direction is given to the official respondents to dispose of the petitioner's



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representation dated 24.05.2023 within a time frame to be stipulated by this Court, for which, Mr.P.Muthu Kumar, learned Government Pleader, who took notice for the respondents 1 to 4, submitted that he has no serious objection.

4. Considering the limited nature of the relief sought for as above, this Court, without going into the merits of the case, directs the respondents 1 to 4 to consider the petitioner's representation dated 24.05.2023, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, and also on the basis of the proceedings of the third respondent dated 06.07.2023, within a period of eight weeks from the date of receipt of a copy of this order.

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

[R.M.D,J.] [M.S.Q, J.]
01.12.2023

Neutral Citation : Yes/No
gya

To

1.The District Collector
Namakkal District



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