



W.P.No.10178 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

**THE HONONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONONOURABLE MR. JUSTICE P.DHANABAL**

W.P.No.10178 of 2021

Ishaq Basha
S/o Anwar

...Petitioner

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

3.The Tahsildar,
Palacode Taluk,
Dharmapuri District.

4.Raja

5.Durai

6.The Block Development Officer,
Palacode, Dharmapuri District.

(R6 suo motu impleaded vide order dated 23.04.2021) ...Respondents

Writ Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Mandamus to direct the 3rd Respondent to remove the encroachment made in Survey No 548 (Voikkal Poramboke/ Canal) situate at Jarthalav village, Palacode taluk, Dharampuri District, based on the representation of the Petitioner dated 9.9.2020 forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.A.Selvendran,
Special Government Pleader
for R1 to R3 and R6
No appearance for R4 and R5

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

The writ petition has been filed for issuance of Writ of Mandamus to direct the 3rd Respondent to remove the encroachment made in Survey No 548 (Voikkal Poramboke/ Canal) situate at Jarthalav village, Palacode Taluk, Dharampuri District, based on the representation of the Petitioner dated 9.9.2020.

2. The case of the petitioner is that the respondents 4 and 5 have encroached the Voikkal Poramboke land in Survey No 548. Hence, the petitioner had sent a representation dated 09.09.2020 to the respondents 1 to 3 to remove the encroachments and to save the water bodies.



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Subsequently, the 1st respondent vide his proceedings dated 19.09.2020, forwarded the representation to the 3rd respondent to conduct an enquiry and to send a reply to the office of the 1st respondent about the action taken on the representation. Since no action was taken, the present writ petition has been filed seeking a direction to dispose of the said representation dated 09.09.2020.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the 1st to 3rd and 6th respondents, and perused the materials available on record.

4. Considering the limited prayer sought for in this Writ Petition, we are not expressing any view on the rival contentions of the parties. The representations made by the petitioners are still pending with the 3rd respondent and no order has been passed on the same till date. Therefore, without expressing any view on the merits of the claim made by the respective parties, this Writ Petition is disposed of, only by directing the 3rd respondent to pass orders on the petitioner's representation dated 09.09.2020 on merits and in accordance with law,



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order. The 3rd respondent shall also give an opportunity of personal hearing to the petitioner, 4th and 5th respondents as well as the rival claimants, if any, before passing the order. No costs.

(J.N.B,J.) (P.D.B., J.)

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Index : Yes / No

Internet : Yes

vsi

To

- 1.The District Collector,
Salem District.
2. The Revenue Divisional Officer,
Kolathur, Salem District.
- 3.The Tahsildar,
Mettur Taluk, Salem District.

J. NISHA BANU, J.
and



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P.DHANABAL,J.

vsi

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