



WEB COPY

W.P. No.34970 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.12.2024

CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.34970 of 2024

K. Malar

Petitioner

vs.

1. The District Collector
Namakkal
Office of the District Collector
Namakkal District 637 003
2. The Revenue Divisional Officer
Namakkal Taluk
Namakkal District
3. The Block Development Officer
Namakkal Panchayat Union
Namakkal District
4. The Tahsildar
Namakkal Taluk
Namakkal District
5. The President
Panchayat Union
Vittamanaickenpatti Panchayat
Namakkal District
6. Karthika

Respondents

Writ Petition filed under Article 226 of the Constitution of India



seeking a writ of mandamus directing the first respondent to dispose of the petitioner's representation dated 26.02.2024 pending on the file of the first respondent in accordance with law.

For petitioner	Mr. M. Jaikumar
For RR 1,2 & 4	Mr. T.K. Saravanan Government Advocate
For RR 3 & 5	Mr. E. Vijay Anand Additional Government Pleader

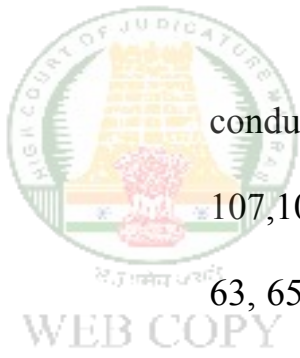
ORDER

(made by M. SUNDAR, J.)

Captioned 'writ petition' (for brevity 'WP') has been filed with a mandamus prayer *qua* a representation dated 26.02.2024 sent by the writ petitioner to first respondent (District Collector, Namakkal).

2. Mr. M. Jai Kumar, learned counsel for writ petitioner, submits that there is encroachment in a stream, *i.e.*, 'survey nos.107,108,111, 62, 63, 65, 97, 98 and 147 in Vittamanaickenpatti Village, Namakkal Taluk, Namakkal District' (for the sake of convenience and clarity 'said property').

3. It is the specific case of the writ petitioner that survey has been



conducted with regard to three of the aforementioned survey numbers, viz., 107, 108 and 111 but the encroachments in other survey numbers, viz., 62, 63, 65, 97, 98 and 147, have been suppressed. This, in sum and substance, is the aforementioned representation dated 26.02.2024 of the writ petitioner.

4. Learned counsel for writ petitioner reiterates the above and submits that there is discrimination *qua* writ petitioner.

5. Issue notice to official respondents.

6. Mr. T.K. Saravanan, learned Government Advocate, accepts notice for respondents 1, 2 and 4. Mr. E. Vijay Anand, learned Additional Government Pleader, accepts notice for respondents 3 and 5.

7. Learned State counsel for respondents 1, 2 and 4, submits, on instructions, that survey will be conducted for remaining other survey numbers also and learned State counsel adds that survey has already been completed as regards Survey Nos. 107, 108 and 111.

8. We make it clear that all the rights and contentions of



respondent no.6 (private respondent) stand preserved as regards survey and remaining survey numbers. In this view of the matter, main WP is taken up in the admission board itself, with the consent of learned counsel on both sides.

9. In the light of the narrative thus far, we deem it appropriate to dispose of the captioned main WP recording the stated position of the learned State counsel with a rider that all the rights and contentions of respondent no.6 (private respondent) will remain preserved *qua* survey and further action, if any and if that be so.

Captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
12.12.2024

Index : Yes/No
NC : Yes/No
cad



To

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