



WEB COPY

OBEORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.01.2013

CORAM:

THE HONOURABLE MR.JUSTICE K.N.BASHA
and
THE HONOURABLE MR.JUSTICE P.DEVADASS

Writ Petition (MD)No.1703 of 2013

R.Kaliya Perumal

... Petitioner

Vs.

State rep. by

1.The District Collector,
Pudukkottai,
Pudukkottai District.

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

3.The Tahsildar,
Pudukkottai,
Pudukkottai District.

... Respondents

Writ Petition under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the first respondent to direct the third respondent to remove the obstructions in Survey No.767/3 situated at Aathanakottai, Pudukkottai Taluk, Pudukkottai District within the stipulated time based on the petitioner's representation dated 22.08.2011.

For Petitioner : Mr.S.Muthalraj

For Respondents: Mr.N.S.Karthikeyan

Additional Government Pleader

ORDER

[Order of the Court was made by
K.N.BASHA, J. & P.DEVADASS, J.]

The petitioner has come forward with this writ petition seeking for the relief of writ of Mandamus directing the firsts respondent to direct the third respondent to remove the obstructions in Survey No.767/3 situated at Aathanakottai, Pudukkottai Taluk, Pudukkottai District within the stipulated time based on the petitioner's representation dated 22.08.2011.

2. Mr.N.S.Karthikeyan, learned Additional Government Pleader takes notice for respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3. By mutual consent of both the parties, the main writ petition itself is taken up for final disposal.



4. The learned counsel for the petitioner would contend that the petitioner has already approached this Court and this Court directed the authorities concerned to take steps on the basis of his representation. It is further contended that pursuant to the said direction, the second respondent as per order dated 28.09.2011, requested the third respondent Tahsildar to take immediate action and to submit report, if there is any encroachment. It is contended that thereafter, no further action taken in this matter and as such, the petitioner has been constrained to approach this Court.

5. Heard Mr.N.S.Karthikeyan, learned Additional Government Pleader on the submissions made by the learned counsel for the petitioner.

6. We have carefully considered the submissions made by either side and also perused the materials available on record.

7. The fact remains that already on the basis of the orders of this Court, the second respondent herein as per his proceedings dated 29.08.2011 requested the third respondent Tahsildar, Pudukkottai to take immediate action in the event of any encroachment in the disputed place and to submit a report to that effect. But unfortunately, till date no report has been submitted by the third respondent, as a result, the petitioner has been constrained to approach this Court.

8. In view of the same, we are constrained to direct the third respondent herein to take further action as per the proceedings of the second respondent dated 29.08.2011 by affording opportunity to the petitioner and to the alleged encroacher and other relevant parties and submit the report to the second respondent. In the event of receiving such report from the third respondent, the second respondent shall consider the same after affording opportunity to both the parties and to pass orders on merits and in accordance with law. It is made clear that the third respondent shall complete this exercise within a period of eight weeks from the date of receipt of a copy of this order and on receipt of the report from the third respondent, the second respondent shall complete the above said exercise within a further period of eight weeks from the date of receipt of the report from the Tahsildar.

9. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

rj2
To:



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

3.The Tahsildar,
Pudukkottai,
Pudukkottai District.

+1CC to Mr.S.Muthal raj,Advocate in SR.No.4433

Order in
W.P. (MD)No.1703 of 2013
Dated:31.01.2013

RG.22/02/2013

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