



WP(MD)No.13401 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.12.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.13401 of 2021

J.David Ganesan

...Petitioner

/Vs./

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Assistant Director (Panchayat),
Thoothukudi District, Thoothukudi.
- 3.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
- 4.The Revenue Divisional Officer,
Thiruchendur Revenue Division,
Thoothukudi District.
- 5.The Thasildar,
Eral Taluk Officer,
Thoothukudi District.
- 6.The Block Development Officer,
Alwathirunagari Block,
Holding Officer at Thenthiruperai,
Thoothukudi District.



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7.The Panchayat Secretary,
Angamangalam Village,
Thoothukudi District.

8.The Village Administrative Officer,
Angamangalam Village,
Thoothukudi District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order dated 09.01.2021 passed in O.Mu.A1/3788/2020 on the file of the 5th Respondent and quash the same as illegal and consequently directing the Respondents to pass appropriate order to include the Survey Number in 282/1 and 281/28 as Village Public Street situated at Angamangalam Village, Kurumbur Post, Tiruchendur Taluk, Thoothukudi District.

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.R.Ragavendran

Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the fifth respondent dated 09.01.2021 and for a consequential direction to the respondents to pass appropriate orders to include survey numbers 282/1 and 281/28 as Village Public Street at Angamangalam Village, Kurumbur Post, Tiruchendur Taluk, Thoothukudi District.



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2. The case of the petitioner is that survey numbers 282/1 and 281/28 were converted as public street for public use. Even in the relevant records maintained by the Panchayat, it is identified as a public street. The grievance of the petitioner is that a cement road was laid by the Panchayat on the basis of the resolution passed by the Panchayat on 28.06.2006 and whereas, appropriate action was not taken to mention the survey numbers 282/1 and 281/28 as public street in the village records. As a result, there was encroachment upon the public street. It is under these circumstances the petitioner made a representation to the respondents to include survey numbers 282/1 and 281/28 as village public street. On receipt of the same, the impugned order dated 09.01.2021 was passed by the fifth respondent refusing to accede to the request made by the petitioner on the ground that it is already shown as ryot pathai in the revenue records. Aggrieved by the same, the present writ petition has been filed before this Court.

3. When the matter was taken up for hearing, the learned Government Advocate appearing on behalf of the respondents produced written instructions received from the fifth respondent. The relevant portions are extracted hereunder:-

“ஏரல் வட்டம், அங்கமங்கலம் கிராமம், நத்தம் புல எண்.

282/1, விஸ்தீரணம் 0.01.10 ச.மீ மற்றும் 282/28 விஸ்தீரணம்



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0.00.59ச.மீ நிலமானது கிராமக்கணக்கில் இரயத்து பாதை என வகைப்படுத்தப்பட்டு பாதை எனக் குறிப்பிடப்பட்டுள்ளது. மேற்படி இரண்டு புல எண்களுக்கு இறுதியில் மேற்படி புலத்திற்கு அருகில் குடியிருந்து வரும் திரு.ராம்குமார், திரு.தமிழரசன், திரு.மணியரசு ஆகியோர் பாதையினை ஆக்கிரமித்து விநாயகர் கோவில் கட்டியுள்ளனர். மேற்படி ஆக்கிரமிப்பு தொடர்பாக அங்கமங்கலம் ஊராட்சி தலைவரிடம் விசாரணை செய்ததில், ஆக்கிரமிப்பினை அகற்றுவது தொடர்பாக அறிவிப்பு தயார் செய்யப்பட்டுள்ளதாகவும், விரைவில் அறிவிப்பு செய்யப்பட்டு நடவடிக்கை எடுக்கப்படும் என தெரிவித்துள்ளார். இருப்பினும் மேற்படி ஆக்கிரமிப்பினை அகற்றிடும் பொருட்டு சம்பந்தப்பட்ட அங்கமங்கலம் கிராம ஊராட்சித்தலைவருக்கு கிராமக்கணக்கு நகல், புலப்பட நகல் மற்றும் படிவம் 1 ஆக்கிரமிப்பு விவர அறிக்கை இன்று 02.12.2023 தபாலிலும், தொலைபேசியிலும் தகவல் அனுப்பப்பட்டுள்ளது என்ற விபரத்தினைப் பணிவுடன் தெரிவித்துக் கொள்கிறேன்.□

4. It is clear from the above that already steps have been initiated to remove the encroachment that has been made in the pathway. That apart, the learned Government Advocate on instructions submitted that the survey numbers 282/1 and 281/28 will be shown as village public street in the relevant records of the Panchayat.

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

12.12.2023



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NCC : Yes/No
Internet : Yes/No
Index : Yes/No

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