

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.11089 of 2015

V.Subramaniam

... Petitioner

vs.

1. The District Collector
Erode District
Erode
2. The District Revenue Officer
Erode District
Erode
3. The Sub-Collector
Gobichettipalayam
Erode District
4. The Tahsildar
Bhavani Taluk
Bhavani, Erode District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to implement the order made in Na.Ka.No.A1/1043/2015 dated 10.02.2015 on the file of the third respondent.

For petitioner : Mr. C. Munusamy

For respondents : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

This writ petition is filed seeking a writ of mandamus directing the respondents to implement the order made in Na.Ka.No.A1/1043/2015 dated 10.02.2015 on the file of the third respondent.

2. Pursuant to the notice dated 16.04.2015 ordered by this Court, the fourth respondent has filed an affidavit stating as under:

"4. It is categorically submitted that the disputed survey R.S. No.559/1 is not Government land. The writ petitioner is claiming the land situated in Survey R.S. No.559/1 is used as public pathway. The disputed facts are involved in this case. The fourth respondent herein issued show cause notice dated 22.04.2015 to one Mr. Maharajan who is obstructing the pathway in S.No.559/1. The said Maharajan also obtained decree in O.S. No.324/2007 dated 12.2.2011 in his favour against the third parties viz the respondent in the suit and who should not disturb his peaceful enjoyment in S.No.559/1. Hence, the fourth respondent fixed the enquiry on 11.05.2015 and directed Mr. Maharajan to produce all records in connection with this survey number and after enquiry and based on its outcome the necessary action will be taken in accordance with law."

3. On a perusal of the aforesaid averment in the affidavit filed by the fourth respondent, it appears that enquiry has been initiated in respect of removal of encroachment on the public pathway. Thus, at this stage, we are not inclined to interfere in the matter. However, we deem it fit and proper to direct the authorities, particularly, the fourth respondent, to take necessary action, after proper enquiry, as indicated in the affidavit, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is at liberty to make a representation before the fourth respondent-Tahsildar, in this respect, in the meantime.

The writ petition is accordingly closed. Costs made easy.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cad

To

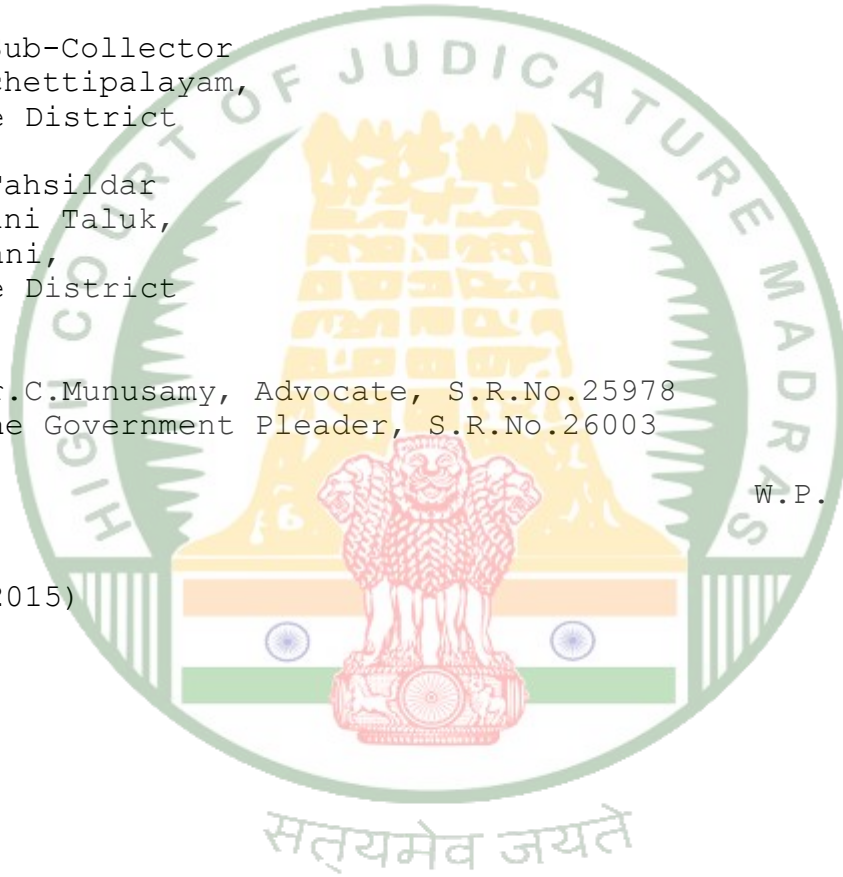
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2. The District Revenue Officer
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Erode District
4. The Tahsildar
Bhavani Taluk,
Bhavani,
Erode District

+1cc to Mr.C.Munusamy, Advocate, S.R.No.25978

+1cc to the Government Pleader, S.R.No.26003

W.P. No.11089 of 2015

VD(CO)
CA(08/06/2015)



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