

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.34529 of 2013

P.Thangaraji

... Petitioner

vs.

1. The District Collector
Salem District - 636 001
2. The Block Development Officer
Thalaivasal Panchayat Union
Attur Taluk
Salem District - 636 112
3. The President
Veppampoondi Village
Gangavalli Taluk
Salem District - 636 101
4. The District Adi-Dravidar &
Tribal Welfare Officer
Collectorate
Salem District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to laying a road/pathway to the burial ground from the petitioner's place Kattukottaigal North East to the Burial ground in Veppampoondi Village, Gangavalli Taluk, Salem District on the basis of his latest representation dated 29.10.2013, within a time frame fixed by this Court.

For Petitioner :Mr.S.Sathia Chandran

For Respondent :Mr.V.Jayaprakash Narayanan
Special Government Pleader for R1 & R4

Mr.V.Subbiah
Special Government Pleader for R2 & R3

ORDER

The petitioner seeks for a direction to the respondents to lay a road/pathway to the burrial ground in Veppampoondi Village, Gangavalli Taluk, Salem District by considering his representation dated 29.10.2013.

2. The petitioner would state that he is an agriculturist belonging to Scheduled caste and he is a native of the said village and residing there for several years and there are about 3000 people residing in the said village. All the persons belonging to the said community are using the poromboke land as a burrial ground. In this regard, copy of the 'A' Register has been produced before this Court. The petitioner would state that a proposal was submitted for formation of the road and since no action was taken, representation was given on 10.09.2013 for which a reply was given by the Block Development Officer (Panchayat) dated 24.09.2013 stating that if the Revenue Department identifies the property and submit a sketch, necessary action would be taken for forming the road from and out of the funds of the Panchayat. The District Adi-Dravidar & Tribal Welfare Officer has informed the petitioner for a query under the RTI Act that proposals have already been sent recommending for formation of road.

3. The learned counsel for the petitioner by referring to the 'A' Register pointed out that the burial ground is situated in S.No.79/2 and the land in S.No.79/3 has been classified as "tz;oghij" and the adjoining property in S.No.80/1B has been classified as "jupR" and therefore, there cannot be any impediment in forming the road.

4. Considering the above said facts and in the light of the stand taken by the Block Development Officer that the road will be formed if the Revenue Department identifies the property, this Court is of the view that there cannot be any serious impediment in forming the road. However, the procedure has to be followed by the Revenue Department.

5. In the light of the above, there will be a direction to the second respondent to consider the petitioner's representation and take necessary steps in coordination with the Tahsildar of the area in identifying the property and demarcate the pathway and form the road leading to the burial ground. Appropriate action in this regard shall be initiated within a period of three months from the date of receipt of a copy of this order, if there are no other legal impediment.

6. The writ petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar

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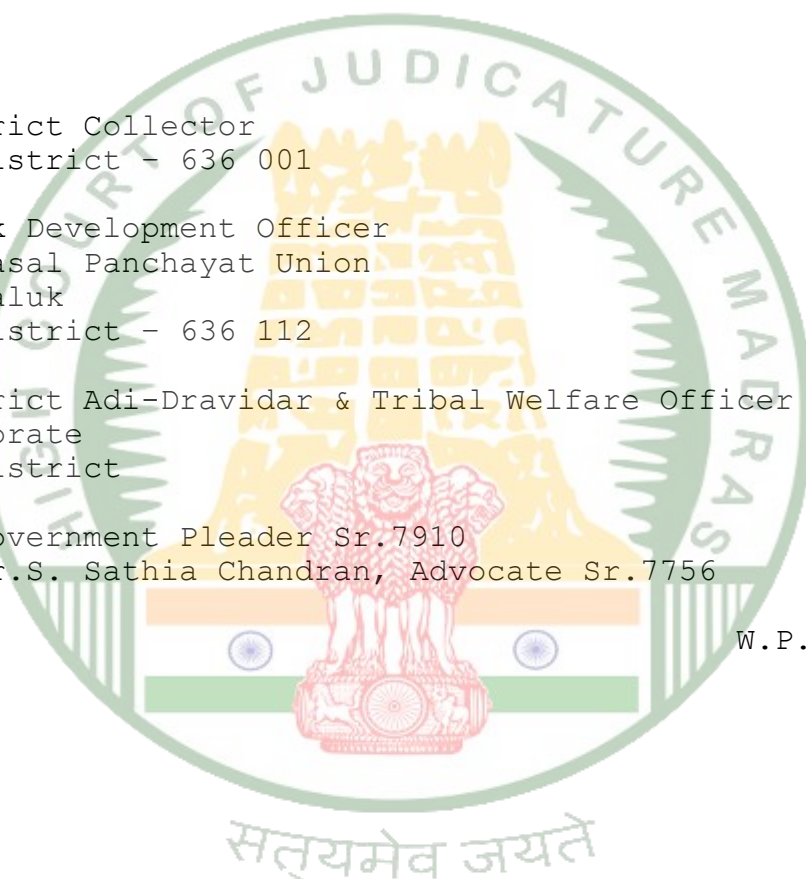
Sub Assistant Registrar

gpa
To

1. The District Collector
Salem District - 636 001
 2. The Block Development Officer
Thalaivasal Panchayat Union
Attur Taluk
Salem District - 636 112
 4. The District Adi-Dravidar & Tribal Welfare Officer
Collectorate
Salem District
- + 1 cc to Government Pleader Sr.7910
+ 1 cc to Mr.S. Sathia Chandran, Advocate Sr.7756

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LRS (CO)
EU 28.02.15



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