



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition (MD)No.804 of 2015

M.Kaliyur Rahman

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District,
Tirunelveli.

3.The Tahsildar,
Ambasamudram,
Tirunelveli District,
Tirunelveli.

4.The Commissioner Town Municipality,
Ambasamudram, Tirunelveli District,
Tirunelveli.

5.S.Ramakrishnan,
President,
Maruthuvar community,
Ambasamudhram,
Tirunelveli District,
Tirunelveli.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents No. 1 to 4 to remove the encroachment made by the Respondent No.5 in the common pathway at Survey No. 888/1 in Survey No. 370 Chinna Sankaran Koil Street Ambasamudram Tirunelveli District within the stipulated period fixed by this Court.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents 1-3 : Mr.S.Chandrasekar,
Government Advocate.

For 4th Respondent : Mr.P.Athimoolapandian

The present writ petition has been filed to remove the encroachment made by the fifth respondent in the alleged common pathway.



2.It is seen from the records produced by the petitioner that a peace committee meeting was held on 31.07.2014 before the Tahsildar, the third respondent herein wherein it has been agreed by all the parties including the representatives of the petitioner that they will be using the encroachment area as common pathway.

3.In view of the above settled position, the present writ petition has been filed once again alleging that it is a poramboke land which is not maintainable. The parties shall abide by the agreement reached between them in the peace committee meeting held on 31.07.2014. However, it is for the authorities concerned to take necessary action, if any further development arises in the area.

4.With the above observation, the writ petition is disposed of. No costs.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi,
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Tirunelveli.

3.The Tahsildar,
Ambasamudram,
Tirunelveli District,
Tirunelveli.

4.The Commissioner Town Municipality,
Ambasamudram, Tirunelveli District,
Tirunelveli.

+1cc to Special Government Pleader in SR.No. 3495.

TS/25.02.2015/2P-6C

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