

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.9572 of 2014

and

M.P.No.1 of 2014

M.Chitrarasu

.. Petitioner

-vs-

1.The District Collector,
Collectorate,
Vellore District.

2.The Tashildhar,
Gudiyatham Taluk,
Vellore District.

3.The Commissioner,
Pernampet Municipality,
Vellore District.

4.The Firka Surveyor,
Pernampet, Gudiyatham Taluk,
Vellore District.

5.P.Thangaraj

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to survey the public street i.e. Bagar ussain Street-I, Pernampet, Gudiyatham, Vellore District and to remove all the encroachment made by the 5th respondent on the above said public street and to consequently direct the respondents to ensure the right of the general public to use above said public street.

For Petitioner : Mr.P.Vijendran
For Respondents : Mr.R.Vijayakumar
Addl. Govt. Pleader for R1, R2 & R4
Mr.P.Srinivas for R3
R5 : No Appearance

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner alleges that respondent No.5 has encroached on the public street and thus seeks a direction against the first four respondents to clear the obstructions.

2. In the counter-affidavit filed by the Pernampet Municipality/respondent No.3, it has been stated that the land is not the public land, nor the revenue records or survey records indicate the same as public pathway. Apart from this, it is stated that the inspection at site shows that the area did not serve as a pathway.

3. Be that as it may, in view of the conflicting averments and the facts, it cannot be decided without adducing evidence, and the land not being public land, we consider it appropriate that the petitioner must avail of the remedy of civil suit qua the rights against respondent No.5.

4. The writ petition is closed. No costs. Consequently, M.P.No.1 of 2014 is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Collectorate,
Vellore District.

2.The Tashildhar,
Gudiyatham Taluk,
Vellore District.

3.The Commissioner,
Pernampet Municipality,
Vellore District.

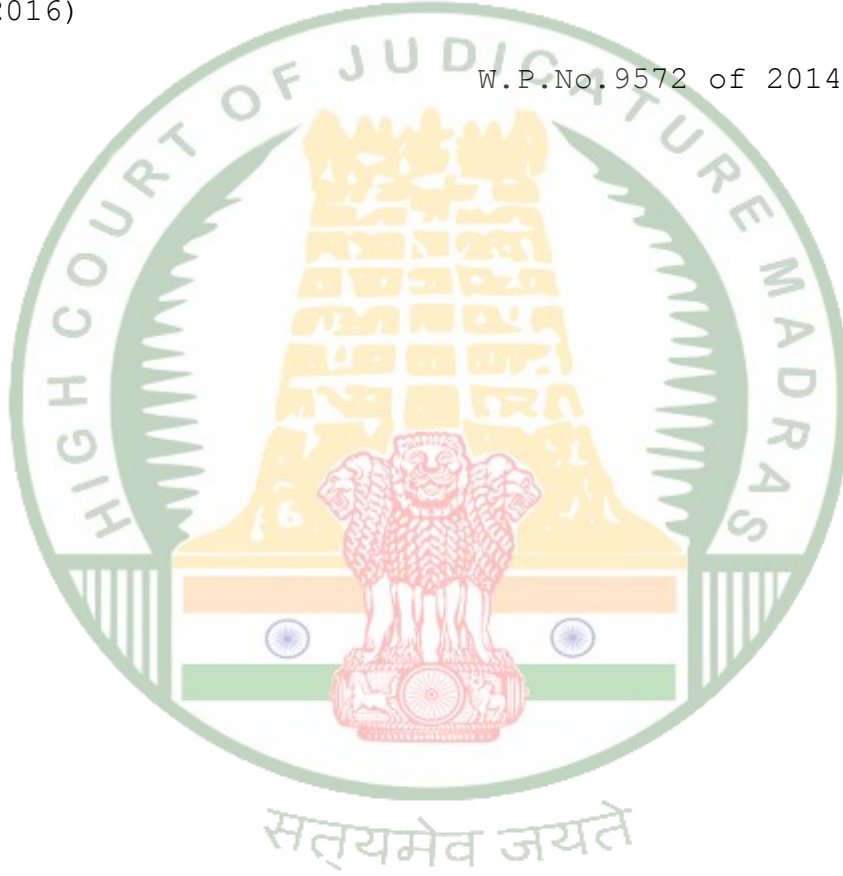
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4.The Firka Surveyor,
Pernampet, Gudiyatham Taluk,
Vellore District.

+1cc to Mr.P. Vijendran, Advocate, S.R.No.74401
+1cc to Mr.P. Srinivas, Advocate, S.R.No.74570
+1cc to the Government Pleader, S.R.No.74466

sv(CO)
md(28/12/2016)

W.P.No.9572 of 2014



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