

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.1816 of 2014

1. N.A.PONNUSAMY
2. M.SIVASUBRAMANIYAM
3. N.VELUSAMY
4. G.BALUSAMY
5. N.MARIMUTHU
6. K.PALANISAMY
7. K.KRISHNAMOORTHY ... Petitioners

Vs.

1. The District Revenue Officer
Erode District.
2. The Revenue Divisional Officer
Erode Revenue Division, Erode District.
3. The Tahsildar
Erode taluk, Erode District.
4. The Assistant Commissioner
HR & CE Department
Jawan Bhavan, Gandhiji Road
Erode.
5. The Inspector
HR & CE Department
Jawan Bhavan, Gandhiji Road
Erode.
6. S.Ramasamy
Hereditary trustee
Karichikumarasamy koil
Chellampampalayam
Chittode (via), Erode District - 638 102.

7. The Panchayat President
Perode Panchayat
Erode Taluk, Erode District.

8. P.Mahendran

9. R.Venkatachalam

10.T.Eswari @ Rajeswari

11.T.Krishnakumar

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing respondents 1 to 3 to take necessary steps to remove the illegal Fencing done by the respondents 8 to 11 in the Common Pathway situated in S.F.No.187/3, 187/4, 187/5 in Perode Village, Erode Taluk, Erode District.

For Petitioners : Mr.M.Easan

For Respondents : Ms.Vasudha Thiagarajan
Addl. Government Pleader
for respondents 1 to 3

Mr.M.Maharaja
Spl. Government Pleader
for respondents 4 and 5

No appearance
for respondents 6 to 11

ORDER

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

The controversy which emerges is whether the land over which the petitioners seek right of passage is actually a government poramboke foot path as even stated by the Tahsildar/third respondent in the counter affidavit or the land belongs to the temple as is sought to be urged before us on behalf of the HR & CE Department by the learned Special Government Pleader.

2. The learned Special Government Pleader states that apart from the petitioners some third parties had also filed suit proceedings claiming right of passage over this land in which they failed.

3. On hearing learned counsel for parties, we call upon the second respondent/Revenue Divisional Officer to look into this

issue with the assistance of the third respondent/Tahsildar and the HR & CE Department with records of any suit proceedings which may have been finalized and a fresh measurement at site be carried out to re-verify as to the nature of the land and the claim of the petitioners would thus depend on the aforesaid exercise. The exercise be completed within a maximum period of three months from the date of receipt of the order.

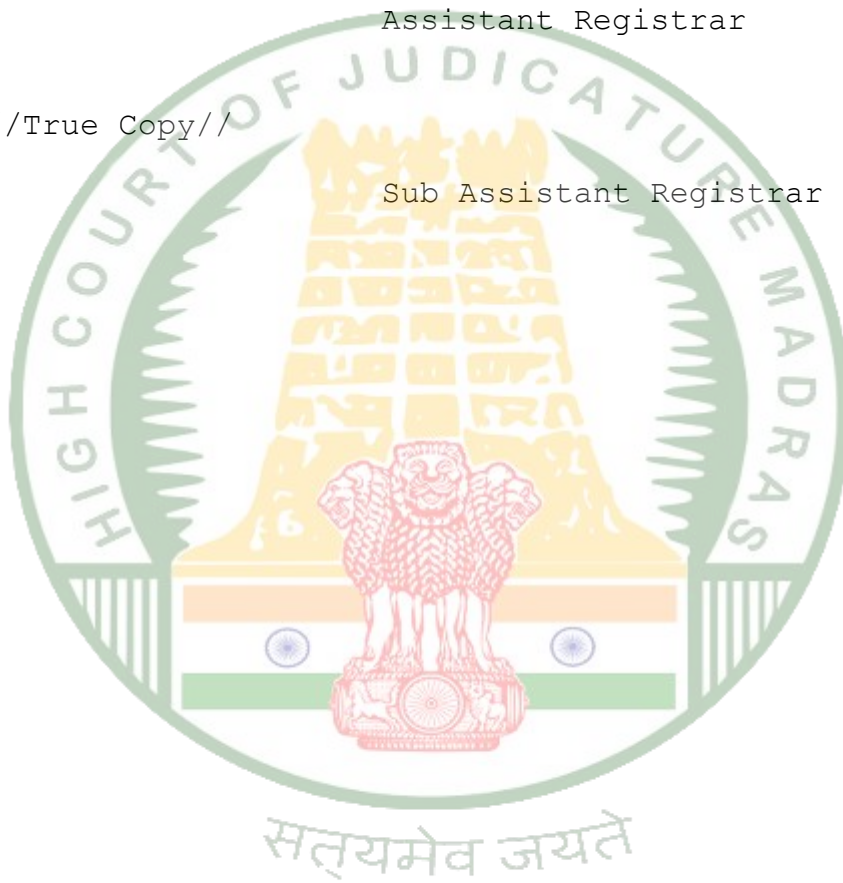
The petition, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To:

1. The District Revenue Officer
Erode District.
2. The Revenue Divisional Officer
Erode Revenue Division, Erode District.
3. The Tahsildar
Erode taluk, Erode District.
4. The Assistant Commissioner
HR & CE Department
Jawan Bhavan, Gandhiji Road
Erode.
5. The Inspector
HR & CE Department
Jawan Bhavan, Gandhiji Road
Erode.
- 6 The Panchayat President
Perode Panchayat
Erode Taluk, Erode District

+1cc to Mr.M. Easan, Advocate, S.R.No.73410
+1cc to Mr.S. Thangavel, Advocate, S.R.No.73249
+1cc to the Government Pleader, S.R.No.74003

kgk (CO)
md(23/12/2016)

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