



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2016

CORAM:

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD) .No.18178 of 2016
and
W.M.P. (MD) .Nos.13104 and 13105 of 2016

P.Marimuthu ... Petitioner

Vs

1.The District Collector,
Collectorate, Theni District.

2.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Periyakulam, Theni District.

3.The Tashildar,
Andipatti Taluk Office,
Theni District.

4.The Inspector of Police,
Andipatti Police Station,
Theni District.

5.V.Lingaraj ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents Nos.1 to 3 to remove the illegal encroachment made by the respondent No.5 on the public pathway situated in Survey 469 A/2, Chakkampatti Village, Andipatti Bit-I, Periyakulam Taluk, Theni District and take necessary steps to enable utilization of the public pathway by the villagers.

For Petitioner :Mr.I.Pinaygash for
Mr.T.Lajapathi Roy

For R..1 to 4 :Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

[Order of the Court was made by

M.SATHYANARAYANAN, J.]

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By consent, the Writ Petition itself is taken up for final disposal. Since this Court is not going to pass any adverse order against the fifth respondent herein, notice to the said respondent is dispensed with.

2. The petitioner claims that he is eking out his livelihood as an agricultural coolie and he is the resident of Chakkampatti Village. He claims to have purchased the lands in S.No.483/1A and 482/2 admeasuring to an extent of 70 cents in the same village through the registered sale deed and also got patta for the said property. The petitioner would claim that the petitioner has been in possession and enjoyment of the property.

3. The grievance expressed by the petitioner is that adjacent to the petitioner's land S.No.469/A2 is situated. The said land is classified as public pathway, so also, in the adanagal and other revenue records. In the said pathway, the fifth respondent started putting up a cattle shed by way of encroachment and on earlier occasions, he made an attempt to get patta for the said property and it was rejected by the Revenue Inspector vide order dated 22.08.2016. In the event of the fifth respondent puts up the cattle shed in the said public path way, which will not only affect the petitioner but also the residents of that locality concerned. In this regard, the petitioner submitted a representation dated 10.09.2016 to the respondents 1 to 3. Despite the receipt and acknowledgment of the same, no response is forthcoming from them. Hence, he came forward with the present Writ Petition.

4. Heard the submissions of the learned Counsel for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice for the official respondents 1 to 3.

5. Though the petitioner has prayed for a larger relief in this Writ Petition, in the light of the facts and circumstances, without going into the merits of the case, as projected by the petitioner, either in his representation or in this Writ Petition, this Court directs the third respondent to consider the grievance of the petitioner, after putting notice on the fifth respondent herein, and pass appropriate orders, in accordance with law, within a period of 12 weeks from the date of service of this order and communicate the decision taken thereon to the petitioner as well as the fifth respondent, forthwith.



6.In the result, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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/True Copy/

Sd/-

Assistant Registrar(W)

Sub-Assistant Registrar

To:

- 1.The District Collector,
Collectorate, Theni District.
- 2.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Periyakulam, Theni District.
- 3.The Tashildar,
Andipatti Taluk Office,
Theni District.
- 4.The Inspector of Police,
Andipatti Police Station,
Theni District.

+One cc to Mr.T.Lajpathi Roy, Advocate, SR.No.55016

+One cc to The Special Government Pleader, SR.No.54726

RL/7c/2p/CK/30/9/2016

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