



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2016

CORAM:

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

W.P. (MD) No.18631 of 2016

Malaikannan

... Petitioner

-vs-

1.The District Collector
Sivagangai District
Sivagangai

2.The Tahsildar
Ilayangudi Taluk
Sivagangai District

3.Ramaiyah

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the first respondent to consider the petitioner's representation, dated 01.03.2016, to remove the encroachment made by the third respondent in the pathway situated in Survey No.313/1 at Kachathanallur Village Group, Ilayangudi Taluk, Sivagangai District.

For Petitioner : Mr.V.Kannan

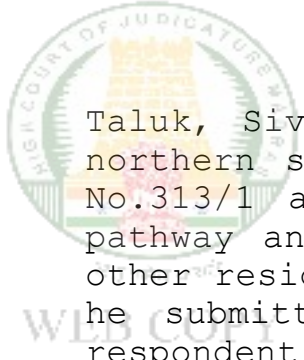
For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader for R1 & R2

O R D E R

[Order of the Court was made by M.SATHYANARAYANAN, J.]

Mr.V.R.Shanmuganathan, learned Special Government Pleader, takes notice on behalf of the respondents 1 and 2 and with the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The petitioner claims that he is the absolute owner of the landed property, admeasuring to an extent of 3.5 Cents, comprised in Survey No.313/3 of Kachathanallur Village Group, Ilayangudi



Taluk, Sivagangai District and adjacent to the said land on the northern side, there is a Grama Natham Public Pathway in Survey No.313/1 and the third respondent has encroached upon the said pathway and thereby the access of the petitioner as well as the other residents to their houses has been denied and in this regard he submitted a representation, dated 01.03.2016, to the first respondent to remove the encroachment made by the third respondent and despite receipt of the same, the respondents land 2 have not taken any action and hence he has filed this writ petition.

3. Though the petitioner sought for a larger relief in his affidavit, in the light of the above facts and circumstances and without going into the merits of the claim projected by him either in the representation or in the writ petition, this Court directs the first respondent to forward the petitioner's representation, dated 01.03.2016, to the second respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent shall consider the said representation, dated 01.03.2016, after putting the third respondent on notice, and pass orders within a period of ten weeks thereafter and communicate the decision taken to the petitioner as well as the third respondent. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To:

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Tahsildar,
Ilayangudi Taluk, Sivagangai District.

+1 CC to Mr.V.KANNAN, Advocate, SR No.57173

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.57037

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28.09.2016

krk

SH/DB:07.10.2016:2P/5C