



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2016

CORAM:

WEB COPY

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

W.P. (MD) No.18637 of 2016

Ramesh Kannan

... Petitioner

-vs-

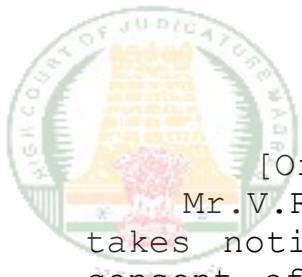
- 1.The District Collector
Sivagangai District
Sivagangai
- 2.The Revenue Divisional Officer
Sivagangai, Sivagangai District
- 3.The Tahsildar
Sivagangai Taluk
Sivagangai District
- 4.Manthiri
- 5.Vellaichamy
- 6.Rajkumar
- 7.Thavasi

... 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 20.06.2016, to remove the encroachment made by the respondents 4 to 7 in the public pathway in Survey Nos.194/5 and 194/9 of Samiyarpatti Village Group, Kadampangulam 2nd Pit, Sivagangai Taluk, Sivagangai District.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader for R1 to R3

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 to 3 and with the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner claims to be a resident of Samiyarpatti Village, Sivagangai Taluk and Sivagangai District and his house is situated in Survey No.55/1A of the said Village and there is a south-north public pathway belongs to Vaniyangudi Village Panchayat and the respondents 4 to 7, who are having their houses adjacent to each other in the east and west directions of the said pathway, have encroached upon the said pathway by laying stone pillar fencing and constructing compound walls.

3. The grievance expressed by the petitioner is that on account of the encroachment made by the respondents 4 to 7, tension is prevailing in his locality and in this regard he submitted a representation, dated 20.06.2016, to the first respondent to remove the encroachment made by the respondents 4 to 7 and despite receipt of the same, the first respondent has not taken any action and hence he has filed this writ petition.

4. A perusal of the typed set of documents would disclose that the President, Vaniyangudi Village Panchayat, paid the prescribed fees, on 20.02.2016, for measuring the said Pathway and submitted a representation, dated 07.03.2016, to the second respondent to that effect and it has been forwarded to the Taluk Deputy Inspector of Survey, who vide letter, dated 04.06.2016, called upon the respondents 4 to 7 to be present on 07.06.2016 at about 10.00 a.m., while the officials surveying the pathway and also sent a letter to the jurisdictional Inspector of Police to give necessary police protection on that date.

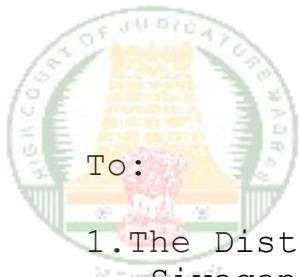
5. Though the petitioner sought for a larger relief in his affidavit, in the light of the above facts and circumstances and without going into the merits of the claim projected by him either in the representation or in the writ petition, this Court directs the third respondent, to whom the petitioner's representation, dated 20.06.2016, has been forwarded by the first respondent vide SM/16/03227, to consider the said representation, dated 20.06.2016, after putting the respondents 4 to 7 on notice, and pass orders in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the respondents 4 to 6. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar



To:

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

3.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

+One cc to The Special Government Pleader, SR.No.57038

+One cc to Mr.V.Kannan, Advocate, SR.No.57174

krk

RL/6C/2P/DB/7.10.2016

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