

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.4615 of 2017

Vadivel

... Petitioner

Vs.

1. The District Collector
Cuddalore District
Cuddalore.

2. The Revenue Tahsildar
Office of the Tahsildar
Thittakudi Taluk
Cuddalore District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents to consider the representation of the petitioner dated 30.6.2016 in accordance with law and direct the respondents to remove the encroachments on both sides of the pathway bearing Survey No.17 from Neyvasal Village to the nearby Thiruvattathurai, Thittakudi Taluk, Cuddalore District.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.R.Vijayakumar, learned Additional Government Pleaders takes notice for the respondents.

2. Heard the learned counsel for the parties.

3. The petitioner and other villagers are using a pathway running through S.No.17 from Neyvasal village to nearby Thiruvottathurai. The petitioner alleges that the owners of the both sides of the pathway encroached upon the pathway and have damaged and pathway. The petitioner claims that the villagers are unable to have access to Muniappa temple and nearby villages because of the encroachments put up in the pathway. He made representation to the second respondent on 30.6.2016. However, no action has been initiated by the respondents. Hence, the present writ petition.

4. Considering the facts and circumstances of the case, we direct the respondent/authorities to consider the representation of the petitioner dated 30.6.2016, hold an enquiry and thereafter do the needful in accordance with law to restore the pathway to its original position, if it is found to encroached. As the respondents are disputing the receipt of representation of the petitioner, the petitioner is directed to forthwith submit a copy of this order along with his representation to the first respondent/District Collector. The respondent/authorities shall conclude the proceedings as aforesaid and pass suitable orders within three months from the date of receipt of a copy of this order/representation of the petitioner.

The writ petition is disposed of accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The District Collector,
Cuddalore District, Cuddalore.

2. The Revenue Tahsildar
Office of the Tahsildar
Thittakudi Taluk
Cuddalore District.

+1cc to M/S.M.Velmurugan, Advocate Sr.11545
+1cc to the Government Pleader Sr.11721

W.P.No.4615 of 2017

rsk[co]
srg 8/3/2017