

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.33677/2017

M.Murugan

.. Petitioner

Vs

1. The District Collector,
Thiruvannamalai
Thiruvannamalai District.

2. The Revenue Divisional Officer
Thiruvannamalai
Thiruvannamalai District.

3. The Tashildar
Kalasapakkam Taluk
Thiruvannamalai District.

4. Venkatesan

5. Sulochana

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 29.11.2017 and to remove the encroachments made in the common pathway running from Ariyathakulam, Pattiyandhal to Varalur in Survey No.997/998/983//985/974 etc., situated in Kadaladi Village, Kalasapakkam Taluk, Thiruvannamalai District.

For Petitioner
For R-1 to R-3

: Mr.R.Rajarajan
: Mrs.M.E.Rani Selvam, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 3.

2 The petitioner claims to be a resident of Pattiyandhal Village, Kalsapakkam Taluk, Thiruvannamalai District and according to him, he is the owner of the land admeasuring to an extent of 1 acre and 96 cents comprised in survey No.974/3A situated at Kadaladi Village, Kalasapakkam Taluk, Thiruvannamalai District by virtue of a registered Sale Deed bearing document No.1793/2010, dated 26.05.2010 registered on the file of the office of the Sub Registrar, Kadaladi. He has also purchased a well right in the said land through yet another document bearing document No.1794/2010, dated 26.05.2010 registered of the file of the same Office and also purchased another property admeasuring to an extent of 84 cents through a registered Sale Deed bearing document No.3869/2011, dated 19.09.2011 registered on the file of the very same office and further claims that he is continuously cultivating the said lands.

3 According to the petitioner, there is a 12 feet public pathway running from Ariyanthaakulam to Varalur via Pattiyandhal and it is running in Survey No.997/998/983/985/974 etc., situate in the said village and however, the respondents 4 to 6, who own lands in Survey No.983, had encroached upon a portion of the said common pathway and thereby, denying free access to the petitioner and the neighbouring land owners. The petitioner in this regard, had submitted representation dated 13.10.2016 to the second respondent, who vide letter No.A5/10754/2016 dated 18.11.2016 has directed Tahsildar to take appropriate action after following G.O.Ms.No.540, Revenue [LD6 [2]] Department dated 04.12.2014 , for removal of encroachment.

4 The learned counsel for the petitioner would submit that despite such a direction from the superior official, the 3rd respondent is yet to act on the representation of the petitioner and therefore, the petitioner is constrained to approach this Court by filing the above writ petition.

5 This Court heard the submissions of Mr.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents 1 to 3 and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the third respondent to act on the communication the second respondent dated 18.11.2016 in Letter No.A5/10754/2016 and after putting the respondents 4 and 5 on notice and eliciting their response, shall dispose of the representation dated 29.11.2017 on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 4 and 5 herein.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

AP
To

1. The District Collector,
Thiruvannamalai
Thiruvannamalai District.
2. The Revenue Divisional Officer
Thiruvannamalai
Thiruvannamalai District.
3. The Tashildar
Kalasapakkam Taluk
Thiruvannamalai District

+1cc to Mr.G.RAJAN Advocate, S.R.No. 92080
+1cc to the Government Pleader, S.R.No. 92484

W.P.No.33677/2017

TR(17/01/2018)