

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.09.2017
CORAM
THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.24617 of 2017

S.Sakkan

.. Petitioner

Vs

1 The District Collector
Dharmapuri District
Dharmapuri.

2 The Revenue Divisional Officer
Harur, Dharmapuri District.

3 The Tahsildhar
Harur Taluk
Dharmapuri District.

4 N.Jothi

5 S.Velumani

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3 to remove the block and clear the road made by the 5th respondent in S.No.25/4 at Nainagoundampatti Village, Morappur, Harur Taluk and Dharmapuri District for the public.

For Petitioner : Mr.J.Bharathiraja

For Respondents : Ms.Vasudha Thiyagarajan
for respondents 1 to 3

ORDER

(Order of the Court was made by M.Sundar,J.)

This writ petition has been filed as public interest litigation with a prayer to remove the alleged blockage of what according to the writ petitioner is a 'public road' comprised in S.No.25/4 at Nainagoundampatti Village, Morappur, Harur Taluk and Dharmapuri District.

2. According to the writ petitioner, the aforesaid road is a 12 ft. wide small road and it is an access road, inter alia, for the writ petitioner.

3. Ms.Vasudha Thiagarajan, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 3.

4. According to the writ petitioner, the fifth respondent before us, who is a private respondent, is the person who has blocked what according to the writ petitioner is a road in the aforesaid survey number. It is the further say of the writ petitioner that the fourth respondent, who is also a private respondent, is added herein in the array of respondents, as there are some civil litigations between the fourth and fifth respondents regarding the aforesaid survey number, i.e., S.No.25/4 at Nainagoundampatti Village, Morappur, Harur Taluk and Dharmapuri District.

5. The first issue to be cleared in this matter is whether S.No.25/4 at Nainagoundampatti Village, Morappur, Harur Taluk and Dharmapuri District, is a public road as alleged by the writ petitioner.

6. Considering the nature of the averments made in the writ petition and the prayer herein, we deem it appropriate to direct the third respondent to ascertain if the aforesaid S.No.25/4 is a public road and if it is a public road, to cause an inspection/survey to be made after putting all concerned on notice, particularly the private respondents 4 and 5 herein, and then proceed to remove the alleged blockage, if any, said to have been put up by the fifth respondent, in accordance with law.

7. After ascertaining if S.No.25/4 is a public road, proceedings as aforesaid shall be commenced within a fortnight and concluded within two months thereafter.

The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

sasi

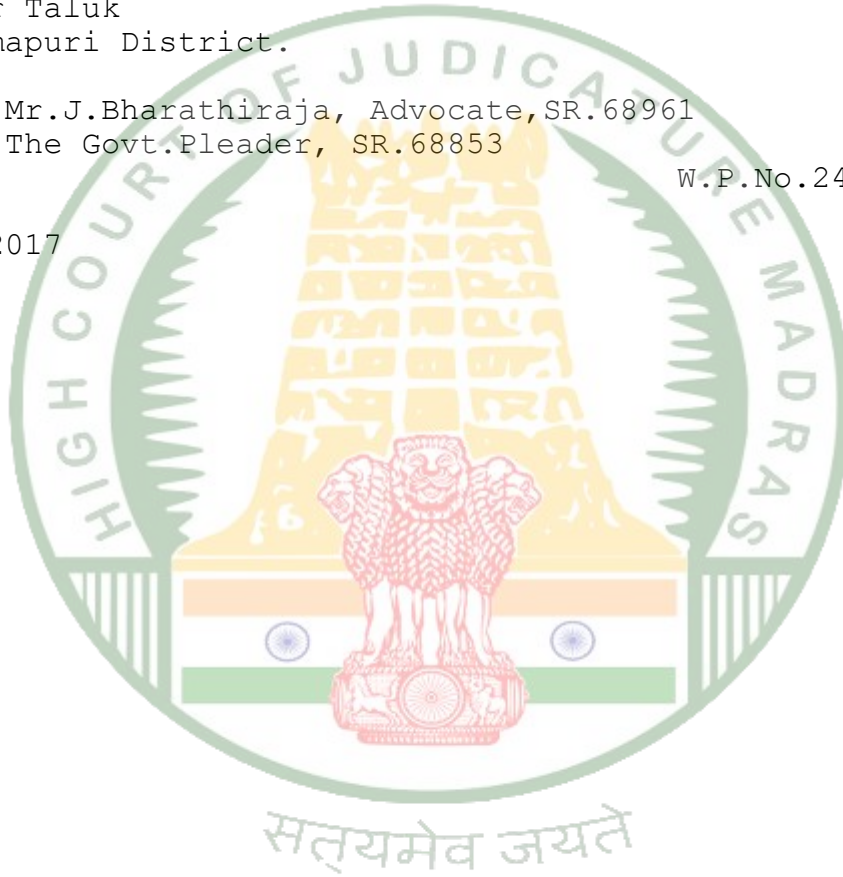
To:

- 1 The District Collector
Dharmapuri District
Dharmapuri.
- 2 The Revenue Divisional Officer
Harur, Dharmapuri District.
- 3 The Tahsildhar
Harur Taluk
Dharmapuri District.

+ 1 cc to Mr.J.Bharathiraja, Advocate, SR.68961
+ 1 cc to The Govt.Pleader, SR.68853

W.P.No.24617 of 2017

NR 10/10/2017



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