

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HON'BLE MR. JUSTICE M.SUNDAR

W.P.No.14670 of 2017

S.Palanimuthu

.. Petitioner

vs.

1. The Additional Director,
Tamil Nadu Land and Survey Records,
Survey House, Directorate, Chepauk,
Chennai-5.
2. The District Collector,
Ariyalur Taluk & District.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Ariyalur Taluk & District.
4. The Tahsildar,
Ariyalur Taluk & District.
- 5.Samidurai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2 to 4 to remove the encroachment made by the 5th respondent in Survey Number 357/10 at (Public Pathway), Gopilian Kudikkadu Periya Manakkudi Post, Ariyalur Taluk and District by considering the petitioner representation dated 27.03.2017.

For Petitioner : Mr.T.Meganathan

For Respondents : Mr.M.K.Subramanian,
Government Pleader for R1 to R4

O R D E R

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

The petitioner claims that his house is located at Gopilian Kudikkadu, Periya Mannakkudi Post, Ariyalur Taluk & District in S.No.257/6 and for time immemorial, he is using the public pathway, which is situated at S.No.375/10. The grievance expressed by the petitioner is that the fifth respondent, who is the Sub-Inspector of Police, Sendurai Police Station, had encroached upon the public pathway situated in the above said survey number and prevented the petitioner and other villagers from using the same and in this regard, the petitioner has also submitted a representation to the third respondent dated 27.03.2017, who vide memo in Na.Ka.A1/461/2017 dated Nil.03.2017 has directed the fourth respondent to conduct an inspection and if he is of the opinion that if there is encroachment, directed him to remove the encroachment and submit a report to the said official.

2. The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that despite the said communication sent by the office of the third respondent as early as on March, 2017, the fourth respondent is yet to take any action and as a consequence, he is prevented from using the public pathway and therefore, prays for appropriate orders.

3. Heard Mr.M.K.Subramanian, learned Government Pleader who accepts notice on behalf of the respondents.

4. A perusal of the typed set of documents would disclose that there are no authenticated revenue records to show that the lands in S.No.375/10 is classified as Public Pathway. The grievance expressed by the petitioner is that despite the memo sent by the third respondent, the fourth respondent is yet to take any action. If the petitioner is aggrieved by the inaction on the part of the third respondent, he is always at liberty to approach the Revenue Divisional Officer or the Collector of Ariyalur District and that apart, he can invoke the provisions of the Right to Information Act to know the status/stage of the action to be taken or taken by the fourth respondent.

5. In the light of the same, this Court is of the view that this Writ Petition cannot be entertained for the present. However, the petitioner is at liberty to workout his remedy by submitting a representation to the respondents 2 and 3 and upon receipt of the same, the respondents 2 and 3 shall put the concerned persons on notice and pass orders on merits and in

accordance with law as expeditiously as possible and not later than six weeks thereafter and communicate the decision taken, to the petitioner as well as the persons concerned.

6. This Writ Petition is dismissed with the above observations. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

jvm

To

1. The Additional Director,
Tamil Nadu Land and Survey Records,
Survey House, Directorate,
Chepauk,
Chennai-5.
2. The District Collector,
Ariyalur Taluk & District.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Ariyalur Taluk & District.
4. The Tahsildar,
Ariyalur Taluk & District.

+1cc to Mr.T.Meganathan, Advocate, S.R.No.42875
+1cc to the Government Pleader, S.R.No.43086

RSI(CO)
CS/30/06/17

W.P.No.14670 of 2017

WEB COPY