

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

And

THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P.No.15975 of 2017

Selvaraj .. Petitioner

vs.

1.The District Collector,
Krishnagiri District.

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

3.The Thasildar,
Uthangarai Taluk,
Krishnagiri District.

4.Varadharaj .. 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 take necessary action to remove the illegal encroachments and obstructions on the pathway in Government poromboke Survey No.37/12, 37/13, 37/14, 37/15, 37/16 and 37/17 and Survey No.38 of Veerachikuppam Village, Uthangarai Taluk, Krishnagiri District by the 4th respondent by considering the petitioner's representation dated 01.03.2017 by the fourth respondent.

For Petitioner : Mr.K.Thiruvengadam

For Respondents: Mrs.Vasudha Thiagarajan
Additional Government Pleader
for R1 to R3

O R D E R

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

By consent, this Writ Petition is taken up for final disposal.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a resident of Panamarathupatti Village, Kallvai Post, Uthangarai Taluk, Krishnagiri District and his father was having an extent of 1.13.00 hectares of agricultural lands comprised in S.No.21/14 in the said village and after his demise, he and his two brothers succeeded to the said estate and are in possession and enjoyment of the same. It is further submitted by the learned counsel appearing for the petitioner that a pathway is located in the Government poromboke land in S.Nos.37/12, 37/13, 37/14, 37/15, 36/16 and 37/17 and S.No.38 of Veerachikuppam Village, Uthangarai Taluk, Krishnagiri District and except the said pathway, the petitioner did not have any other access to take agricultural articles for the purpose of cultivation and the fourth respondent, who has no right whatsoever, has illegally encroached upon the said pathway and preventing the petitioner to have access to his agricultural lands and in this regard, the petitioner has also submitted representations dated 01.03.2017 and 27.03.2017 to the first respondent and the first respondent, vide communication dated 31.03.2017 made in Proceedings No.O.Mu.5934/2017/H3, has directed the third respondent to take appropriate action and inform the same to the petitioner within 30 days from the date of taking such a decision and despite the said communication, the third respondent is yet to take any action and therefore, the petitioner has been constrained to file the present writ petition.

3. Heard the submissions of Mrs.Vasudha Thiagarajan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and on instructions would submit the third respondent would act on the communication of the first respondent and complete the exercise in accordance with law, as expeditiously as possible.

4. This Court has considered the rival submissions and also perused the typed set of documents and other materials placed before it.

5. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the petitioner's representations dated 01.03.2017 and 27.03.2017, directs the third respondent to act on the communication of the first

respondent dated 31.03.2017 in Proceedings No.O.Mu.5934/2017/H and after putting the fourth respondent on notice, shall consider and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the fourth respondent.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

jvm

To

1.The District Collector,
Krishnagiri District.

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

3.The Thasildar,
Uthangarai Taluk,
Krishnagiri District.

+1cc to Mr.K.Thiruvengadan,Advocate sr.46181

+1cc to Government Pleader sr.46584

W.P.No.15975 of 2017

ss(18/7/2017)

सत्यमेव जयते

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