

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.29485/2017

M.Subramanian .. Petitioner  
Versus

1.The District Collector  
Collectorate, Cuddalore District.

2.The District Revenue Officer  
Collectorate, Cuddalore District.

3.The Revenue Divisional Officer  
Viruthachalam Taluk, Cuddalore District.

4.The Tahsildar, Taluk Office  
Viruthachalam Taluk, Cuddalore District.

5.R.Sivaprakasam

6.R.Lombotharan ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents 1 to 4 herein to consider the representation dated 04.04.2017 and 14.08.2017 submitted by the petitioner in the light of G.O.Ms.NO.540, Revenue [LD 6[2]] Department dated 04.12.2014 and to remove the encroachment made by the respondent No.5 to 6 in S.No.462/3 which is situated in Mangalur village, Viruthachalam Taluk, Cuddalore District, within a time frame as may be fixed by this court.

For Petitioner : Mr.A.Rajakumar  
For RR 1 to 4 : Mr.M.Digvijaya Pandian, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.M.Digvijaya Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

2 The petitioner claims to be in possession and enjoyment of the agricultural lands admeasuring to an extent of 1.44 acres comprised in S.No.315/2A,315/11 and 462/2B situate in Magalur Village, Viruthachalam Taluk, Cuddalore District, through a registered Sale Deed bearing Doc.No.1846/2011 dated 14.11.2011 and claims to be in possession right from the date of the said purchase. According to the petitioner, a pathway is there in S.No.462/3 of the same village and all the revenue records clearly mentions it as pathway. The petitioner as well as the neighbours are having access to their lands through the said pathway. The grievance expressed by the petitioner is that the respondents 5 and 6 had encroached upon the said pathway and as a consequence, the petitioner and other road users of the said locality are put to irreparable loss and grave hardship and in this regard, a representation dated 04.04.2017 followed by a reminder representation dated 14.08.2017 were submitted to the authorities concerned and despite receipt and acknowledgement, no action has been taken so far and hence, the petitioner came forward to file the present writ petition.

3 Heard the learned counsel for the petitioner and Mr.M.Digvijaya Pandian, learned Additional Government Pleader appearing for the respondents 1 to 4 and also perused the materials placed before it.

4 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 4<sup>th</sup> respondent, to put the petitioner as well as the respondents 5 and 6 on notice and thereafter, consider and dispose of the petitioner's representations dated 04.04.2017 and 14.08.2017 respectively, on merits and in accordance with law and pass appropriate orders within a period of ten 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 5 and 6 herein.

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

Sd/-  
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector  
Collectorate, Cuddalore District.

2.The District Revenue Officer  
Collectorate, Cuddalore District.

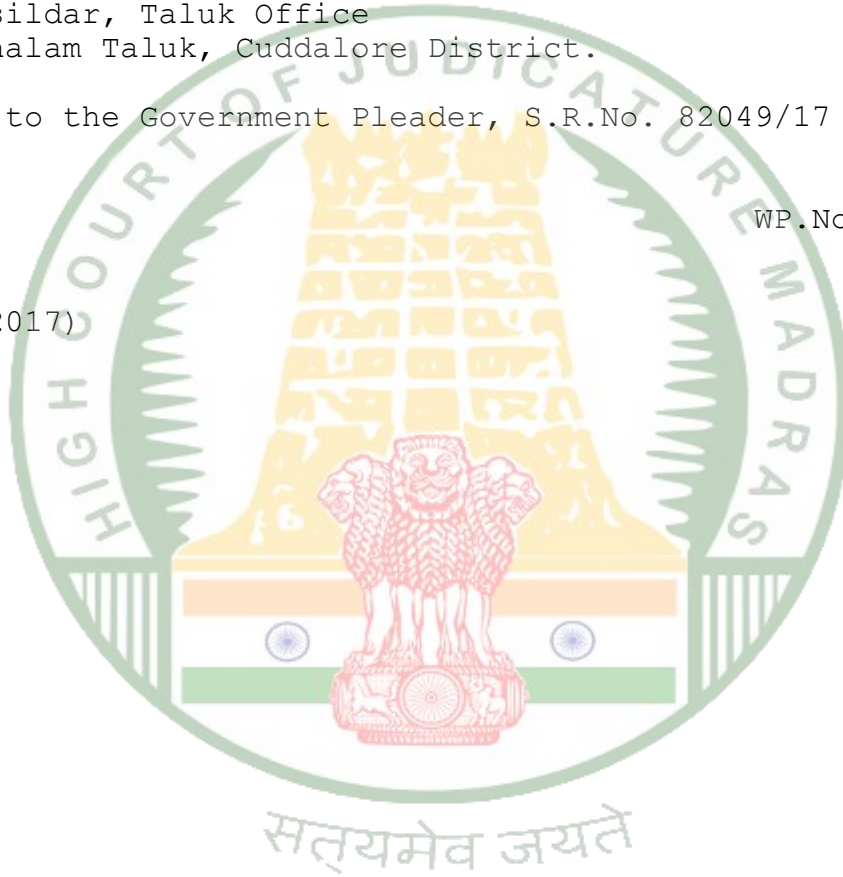
3.The Revenue Divisional Officer  
Virthachalam Taluk, Cuddalore District.

4.The Tahsildar, Taluk Office  
Virthachalam Taluk, Cuddalore District.

+1cc to the Government Pleader, S.R.No. 82049/17

WP.No.29485/2017

TR(06/12/2017)



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