



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 8387 of 2014
and
M.P (MD) No. 1 of 2014

N.Malaikutty Sundaram

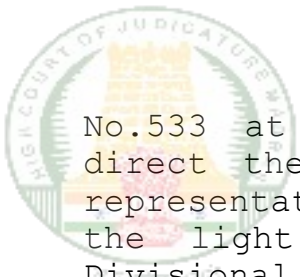
.. Petitioner

Vs.

- 1.The District Collector,
Collectorate, Tuticorin.
- 2.The Assistant Director
Panchayat,
Tirunelveli District.
- 3.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Tuticorin.
- 4.The Tahsildar,
Taluk Office, Tuticorin.
- 5.The Church of South India,
Pudukottai Pastrate represented
through its Treasurer and Secretary,
Kottampuli, Tuticorin District.
- 6.The Bishop Commissioner,
Nazareth Tuticorin Diocese,
Caldwell Higher Secondary School Compound,
Beach Road, Tuticorin.
- 7.Nazareth-Tuticorin Diocese
Diocese Central Property Committee,
Through its Chairman,
Caldwell Higher Secondary School Compound,
Beach Road, Tuticorin-1.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondents 1 to 4 to remove encroachments made by the respondents 5 to 7 by putting up the iron gates preventing the petitioner and the general public from using the public pathway which is situate in Survey



No.533 at Ramsamyapuram, Kottampuli, Tuticorin District also to direct the Tahsildhar 4th respondent the herein to consider the representation dated 26.03.2014 and 30.04.2014 of the petitioner in the light of the direction dated 16.04.2014 of the Revenue Divisional Officer, the 3rd respondent herein.

WEB COPY

For petitioner : Mr.R.Amarnath
For R1 to R4 : Mr.S.Sathish Kumar
Additional Government Pleader

For R5 to R7 : Mr.G.Prabhu Rajadurai

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner seeks a direction to remove all the encroachments stated to have been made by the respondents 5 to 7 by putting up the iron gates preventing the petitioner and the general public from using the public pathway which is situated in Survey No.533 at Ramsamyapuram, Kottampuli, Tuticorin District. The writ petitioner has submitted representations dated 26.03.2014 and 30.04.2014. This Court appointed an Advocate Commissioner to inspect the property in question. The Advocate Commissioner has given a report indicating that there is a public pathway situated in Survey No.533 at Ramsamyapuram, Kottampuli, Tuticorin District.

2.The learned counsel appearing for the private respondents filed a counter affidavit.

3.This Court directs the 4th respondent to survey the land in question and if any encroachments have been made in public pathway, action shall be taken to remove the same in accordance with law. The third respondent is directed to carry out the above said exercise within a period of three months from the date of receipt of a copy of this order.

4.This writ petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CRL. SIDE)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Collectorate, Tuticorin.

2.The Assistant Director
Panchayat,
Tirunelveli District.



3.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Tuticorin.

4.The Tahsildar,
Taluk Office, Tuticorin.

+1cc to Mr.S.SIVATHILAKAR Advocate in SR. No. 73436
+1cc to Mr.G.PRABHU RAJADURAI Advocate in SR. No. 73623
+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 73905

SSS
JS/SKN.RSK/SAR.1/24.10.2017/3P-8C

ORDER MADE IN
W.P. (MD) No.8387 of 2014
21.08.2017