



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12984 of 2017

and

W.M.P.(MD)No.10068 of 2017

C.Azhagesan

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Thiruppathur Taluk,
Thiruppathur,
Sivagangai District.

4.The Tahsildar,
Singampunari Taluk,
Singampunari,
Sivagangai District.

5.The Block Development Officer(Village Panchayat),
Thiruppathur Panchayat Union,
Thiruppathur,
Sivagangai District.

6.Packiam

..Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the obstruction created by the sixth respondent on the public lane in S.No.411/28, situated at Piranpatti Village, Singampunari Taluk, Sivagangai District and restore the Public Lane.

<https://hcservices.ecourts.gov.in/hcservices/>

For Petitioner

: Mr.V.Muthukamatchi



For Respondents 1 to 5 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
For Respondent No.6 : M/s.Rajeswari
For S.M.S.Johny Basha

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ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J**)

The writ petitioner is aggrieved by the obstruction said to have been caused by the sixth respondent on a public lane in S.No.411/28, situated at Piranpatti Village, Singampunari Taluk, Sivagangai District. He had given a representation in this regard to the authorities. But no action was taken. Therefore, this writ petition has been filed.

2.Since the lane in question appeared to be a public path way, this Court granted interim injunction, restraining the 6th respondent from putting up any construction. We now direct the fourth respondent to enquire into the matter and conduct survey of the land in question after due notice to the writ petitioner and sixth respondent. If any encroachment has been caused by the sixth respondent, the fourth respondent, herein shall take action for removing the same. It is needless to add that the fourth respondent shall adhere to the due process of law. Both the writ petitioner and the sixth respondent would be at liberty to place all the relevant materials in support of this respective contentions. The fourth respondent is directed to finalise the proceedings within eight weeks from the date of receipt of a copy of this order.

3.The direction to maintain status quo shall continue to be in force till the fourth respondent herein takes a decision one way or the other. In other words, the sixth respondent shall not alter the status quo that is presently prevailing till the enquiry in the subject matter is concluded by the fourth respondent.

4.With these observations, this writ petition is 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,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Thiruppathur Taluk,
Thiruppathur,
Sivagangai District.

4.The Tahsildar,
Singampunari Taluk,
Singampunari,
Sivagangai District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.71000
+1cc to Mr.S.M.S.JOHNNEY BASHA Advocate in SR. No.70699
+1cc to Mr.V.MUTHU KAMATCHI Advocate in SR. No.70509

MRN/VS

JS/SKN.RSK/SAR.1/24.08.2017/3P-8C

Order made in
W.P. (MD) No.12984 of 2017
and
W.M.P. (MD) No.10068 of 2017
03.08.2017