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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.07.2017

CORAM:

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

W.P.[MD].No.6653 of 2017

P.A.Murugesan ... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

4.Ramraj
5.Selvaraj
6.Amulraj ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the fourth to sixth respondents in S.F.No.536/4B and 536/5C classified as 'Common Public pathway' situated in Anaigudi Panchayat, Muthumothanmozhi Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
for R.1 to R.3
: Mr.R.Balakrishnan
for R.4
: No Appearance
for R.5 and R.6

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ORDER

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[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The Writ Petition has been filed by the petitioner for issuance of Writ of Mandamus, directing the Revenue Authorities to remove the encroachments made by the private respondents herein in S.F.No.536/4B and 536/5C situated in Anaigudi Panchayat, Muthumothanmozhi Village, Radhapuram Taluk, Tirunelveli District. The petitioner has given a representation in this regard on 21.03.2017 to the respondents 1 to 3 herein.

2. We have gone through the relevant revenue records. It is seen that though it is classified as common public pathway, it is referred to as "Boosthithi pathai". In the guidelines value register maintained by the Registration Department, it is referred as "Government Salai".

3. Under such circumstances, we direct the third respondent herein to initiate action on the petitioner's representation dated 21.03.2017 and remove the encroachment if any made by the third parties, after due notice given to them and after complying with the statutory procedure. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To
1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.68997
+1cc to Mr.P.GANAPATHI SUBRAMANIAN Advocate in SR. NO.68234
SSL
JS/MR.KKR/SAR.4/7.8.2017/2P-6C

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