

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.9320 of 2018

Mariappan

.. Petitioner

Versus

- 1.The Revenue Divisional Officer,
Sankari Taluk,
Salem District.
- 2.Chinnamani
- 3.Periyamani
- 4.Kandan
- 5.Subramani
- 6.Ramalingam

.. Respondents

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 23.02.2018 and 07.03.2018 and consequently direct the 1st respondent restore the public pathway by removing the encroachment as per order passed by the 1st respondent in Na.Ka.No.689/2017/(B) on 17.11.2017.

For Petitioner : Mr.T.N.Rangeshkanna

For Respondents : Mr.A.N.Thambidurai, Spl GP for R1

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of 1st respondent.

2. The writ petition was listed for hearing on 16.04.2018, wherein it was noted that affidavit filed in support of this petition was bereft of any materials as to the right of the petitioner to use the pathway and adjournment was granted on

that day and it was directed to be posted today.

3. Today, the learned counsel appearing for the petitioner has filed an additional affidavit of the petitioner dated 17.04.2018, which would disclose among other things that the petitioner is residing at S.No.435/5 at Arasiramani Pit-2 Village, Sankari Taluk, Salem District and patta bearing Patta No.3538 also stands in his name. According to the petitioner, lands in S.No.431/1,2 and 423/1, 9B are classified as 'Government Poromboke' land and the said lands are used as common pathway by the petitioner and also by other villagers and according to him, the respondents 2 to 6 had encroached upon the same. The learned counsel appearing for the petitioner has drawn the attention of this Court to the proceedings of the 1st respondent dated 17.11.2017 in Na.Ka.No.689/2017 (B) and would submit that after conducting an elaborate enquiry with the private respondents, the first respondent directed the private respondents not to obstruct use of the said land by the petitioner as well as by the general public and despite such an order, the respondents 2 to 6 continue to do so and therefore, he has been constrained to approach this Court by filing this writ petition.

4. Heard Mr.A.N.Thambidurai, learned Special Government Pleader, who takes notice on behalf of the first respondent also.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to take note of it's earlier proceedings dated 17.11.2017 (cited supra) and take appropriate action, against the respondents 2 to 6 after putting them on notice in accordance with law, subject to legal interdict, if any. The said exercise is to be carried out by the 1st respondent within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken in this regard, to the petitioner as well as the respondents 2 to 6.

7. With the above direction, the writ petition stands disposed of . No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

The Revenue Divisional Officer,
Sankari Taluk,
Salem District.

+1cc to the Government Pleader, S.R.No.30811

W.P.No.9320 of 2018

cs/16/05/18



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