

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.Nos.28648 of 2015 and 13933 of 2017
and
M.P.No.1 of 2015 and WMP.No.15122 of 2017

R.KumarPetitioner in both the petitions
Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Revenue,
Fort St. George, Chennai - 600 009.

2.The District Collector,
Villupuram District.

3.The Tahsildar,
Villupuram Taluk & District.

4. The Block Development Officer,
Kandamangalam Panchayat Union,
Villupuram District.

...Respondents 1 to 4 in both the petitions

5. The President,
Kondur Mathura Village Panchayat,
Alamarathu Kuppan, Pakkam Post,
Villupuram Taluk & District.

...5th Respondent in WP.No.28648 of 2015

5. P.Muthuraman5th Respondent in WP.No.13933 of 2017

PRAYER in WP.No.28648 of 2015: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to forbear the respondents 3 to 5 from blocking road comprised in Survey No.112 of Kondur Village and to direct the respondents to pass orders on the representation filed by the petitioner dated 24.08.2015 before the 2nd respondent.

PRAYER in WP.No.13933 of 2017: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to forbear the respondents 3 & 4 from blocking road comprised in Survey No.112 of Kondur Village and to direct the respondent to pass orders on the representation filed by the petitioner dated 17.05.2017 before the 2nd respondent.

For Petitioner : Mr.A.S.Mujibur Rahman
(in both the petitions)

For Respondents : Mr.N.Inbanathan, AGP, for RR1 to 3
(in WP.No.28648 of 2015) Mrs.M.E.Raniselvam, AGP, for RR4 & 5

For Respondents : Mr.N.Inbanathan, AGP, for RR1 to 3
(in WP.No.13933 of 2017) Mrs.M.E.Raniselvam, AGP, for R4
Mr.R.Veeramani, for R5

COMMON ORDER

Heard the learned counsel for the petitioner, learned Additional Government Pleaders for the respondents and the learned counsel for the private respondent and perused the materials available on record.

2. According to the petitioner, he is the absolute owner of the land in Survey No.160/8 in Kondur Village, in Villupuram District. The cart track in Survey No.112 is the only access to reach his property, which has been obstructed by the respondents. The representations given by the petitioner to remove the encroachment have not been considered. Hence, the present writ petitions.

3. The learned counsel for the respondents submitted that the common cart track is not obstructed by any third parties, but the petitioner himself prevents the other neighbouring land owners to use the cart track.

4. It is not in dispute that the Survey No.112 in the Village has been classified as a lake and it is also not disputed that the common cart track is running in the above Survey Number.

5. In the light of the above undisputed facts, the Tahsildar, Villupuram shall ensure that the petitioner and the neighbouring land owners are permitted to use the cart track in Survey No.112. If there is any obstruction, the Tahsildar is

directed to take appropriate action against them in accordance with law.

6. With the above directions, the writ petitions are disposed of.No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

pvs

To

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Revenue,
Fort St. George, Chennai - 600 009.
2. The District Collector,
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Villupuram District.
5. The President,
Kondur Mathura Village Panchayat,
Alamarathu Kuppam, Pakkam Post,
Villupuram Taluk & District.

+2 Ccs to Mr.M. Md. Ibrahim Ali, Advocate sr 51177 & 51175.

+1 CC to Mr.R. Veeramani, Advocate sr 51264.

+1 CC to The Govt. Pleader sr 51917 & 51916.

WP.Nos.28648 of 2015
and 13933 of 2017

SSV(CO)
SP(16/08/2018)