

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.No.15395 of 2018

Tmt.Radha Selvi

...Petitioner

Vs.

1.The District Collector,
Thiruvannamali District,
Thiruvannamalai.

2.The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.

3.The Tahsildar,
Vandavasi Taluk,
Vandavasi, Thiruvannamalai.

4.Thiru.Jaganathan

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the official respondents to forthwith remove the encroachment in the 'Nilavayal pathway' in S.Nos.41, 39/4A, 2A and 3A of Sathanur Village Vandavasi Taluk, Thiruvannamalai district by considering the representation dated 20.02.2018 of the petitioner.

For Petitioner : Mr.G.Vasudevan for Mr.G.Punniakoti

For Respondents : Mr.R.Udhaya Kumar

Additional Government Pleader for R1 to R3

ORDER

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

By consent, the writ petition is taken up final disposal.

2. Mr.R.Udhaya Kumar, learned Additional Government Pleader accepts notice for respondents 1 to 3.

3. The petitioner claims to be the owner of Punja land admeasuring to an total extent of 2 acres and 54 cents in S.Nos.39/1A and 31/1B at No.165, Sathanur Village, Vandavasi Taluk, Thiruvannamali District through registered Sale Deed bearing Document No.924/2015 dated 22.05.2015 registered on the file of the office of the Sub Registrar, Kuzhrkodungalur. The petitioner would further state that there is a pathway called 'Nilavayal pathway' to reach her land and it starts from Sathanur Harijan Colony upto Kovil kuppam village and it is used by the Villagers as well as by the petitioner from time immemorial to have access to her property. The grievance expressed by the petitioner is that the 4th respondent who is an Ex-President of Sathanur Village had encroached upon the land in S.Nos.41 and 39/4A, 2A and 3A of the said Village and thereby causing obstruction to the use of the said pathway for access. In this regard, representations have been submitted to the concerned authorities and it fail to invoke any kind of response.

4. Mr.G.Vasudevan, learned counsel appearing for the petitioner has drawn the attention of this Court to the 'A' Register of Sathanur Village and communication dated 20.02.2018 in O.Mu.(Aa 1) / 1293 / 2018, sent by the 1st respondent to the 3rd respondent and would submit that despite communication have been sent by the higher officials to the subordinate officials to look into the compliant and to take appropriate action, no action has been taken and in this regard, one Kaviarasu has also sent a representation dated 21.02.2018 to the 3rd respondent and the said representation is also yet to be disposed of and hence the petitioner is constrained to approach this Court by filing this writ petition.

5. This Court heard the submissions of Mr.R.Udhaya Kumar, learned Additional Government appearing for the respondents 1 to 3.

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

7. This Court taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in her representation or in this writ petition, directs the 3rd respondent to put the petitioner as well as the 4th respondent on notice and cause inspection of the land in S.Nos.41 and 39/4A, 2A and 3A of the Sathanur Village and in the event of encroachments being found, the 3rd respondent is directed to take appropriate action in accordance with law to remove the encroachments and communicate the decision taken to the petitioner as well as to the encroachers, if any and the said exercise is to be carried out within a period of ten weeks from the date of receipt of copy of

this order.

8. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

sk

To

1.The District Collector,
Thiruvannamali District,
Thiruvannamalai.

2.The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.

3.The Tahsildar,
Vandavasi Taluk,
Vandavasi, Thiruvannamalai.

+1cc to Mr.PUNNIYAKOTTI, Advocate, S.R.No.39740

+1cc to the Government Pleader, S.R.No. 41467

WP.No.15395 of 2018

TR(16/07/2018)

सत्यमेव जयते
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