



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.1123 of 2018

R.Annathurai

... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Taluk Office, Sivagiri,
Tirunelveli District.

3.Selvaraj

4.Pushpam

5.Murugesan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to remove the illegal encroachments made in the Government public pathway by the respondents 3 to 5, in respect of the public pathway comprised in Survey No.107/4 measuring an extent of 100 metres which is existing in between the Survey Nos.197/63 and 107/69 situated at Devarayaneri, Asooranjai, Thirunedunkulam Revenue Village, Thiruverumbur Taluk, and also further direct the respondents 1 and 2 not to grant any patta in favour of the respondents 3 to 5 in respect of the pathway situated in Survey No.107/4 which is in between the Survey Nos.107/67 and 107/69 situated at Devarayaneri, Asooranjai, Thirunedunkulam Revenue Village, Thiruverumbur Taluk, Trichy District.

For Petitioner

: Mr.K.M.Karunakaran

For RR 1 & 2

: Mr.C.M.Marichelliah Prabhu,
Additional Government Pleader.

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the Writ Petition itself is taken up for final disposal.



2.Mr.C.M.Marichelliah Prabhu, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 and 2.

3.The petitioner has filed this writ petition styled as a 'Public Interest Litigation' stating among other things that the public pathway is in existence for time immemorial in Survey Nos.107/63, 107/69 and 107/4 situated at Devarayaneri, Asooranjai, Thirunedunkulam Revenue Village, Thiruverumbur Taluk, Trichy District and private respondents, started illegally encroaching upon the public pathway and started putting up construction for their personal use and as a consequence, the petitioner, who is an agriculturist and other residents of the locality are put to lot of inconvenience, hardship and mental agony. The petitioner in this regard has submitted a representation, dated 24.11.2014 to the first respondent on the grievance day and it has been forwarded to the Tahsildar, Thiruverumbur Taluk, who in turn, informed that as and when the Inspector of Thiruverumbur Taluk, Trichirappalli District submits his report, action would be taken.

4.The learned counsel appearing for the petitioner would submit that though such an assurance was given as early as in the year 2014, no action has been taken to remove the encroachment and in this regard, a reminder representation, dated 14.12.2017 has also been submitted to the respondents 1 and 2 and despite receipt and acknowledgment, no response at all forthcoming and the private respondents are emboldened by the same, started encroaching further, hence, the petitioner is constrained to approach this Court by filing this Writ Petition.

5.This Court has heard the submissions of the learned Additional Government Pleader appearing for the respondents 1 and 2, who would submit that instead of adding the Tahsildar, Thiruverumbur Taluk, Trichirappalli District, the petitioner has wrongly impleaded the Tahsildar, Taluk Office, Sivagiri, Tirunelveli District and the petitioner has to implead the Tahsildar, Thiruverumbur Taluk, Trichirappalli District as a respondent and would submit that appropriate steps will be taken in the event of encroachment being done.

6.This Court has heard the rival submissions and perused the materials placed before this Court.

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 his representation or in this Writ Petition, permits the Tahsildar, Thiruverumbur Taluk, Trichirappalli District, to call for the report from the Revenue Inspector, Thiruverumbur within a period of four weeks from the date of receipt of a copy of this order and depending upon the said report, shall put respondents 3 to 5 as well as any other encroachers, on notice and thereafter, take appropriate action in accordance with law within a period of ten weeks thereafter and



communicate the decision taken, to the petitioner as well as the respondents 3 to 5 and other encroachers.

8.The Writ Petition stands disposed of accordingly. No costs.

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Sd/-

Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Taluk Office, Sivagiri,
Tirunelveli District.

3.The Tahsildar,
Thiruverumbur Taluk,
Tiruchirappalli District.

+One cc to The Special Government Pleader, SR.No.44025

+One cc to Mr.K.M.Karunakaran, Advocate, SR.No.43051

ps/vsg

RL/6C/3P/KKR/SAR1/2/2/2018

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