



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.(MD)No.461 of 2014
and
M.P.(MD)No.1 of 2014

V.Periyakaruppan ... Petitioner
Vs.
The Tahsildar,
Ilayankudi,
Sivagangai District. ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent to initiate proceedings under Section 133 Cr.P.C., on the basis of the petition dated 05.09.2012.

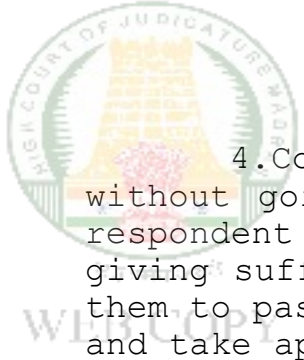
For Petitioner : Mr.T.Antony Arul Raj
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed by the petitioner for a direction, directing the respondent to initiate proceedings under Section 133 Cr.P.C., based on his petition dated 05.09.2012 and take steps to remove the encroachment made in S.No.178/33 in Kalladi Thidal Village, Ilayankudi Taluk, Sivagangai District.

2.The learned counsel appearing for the petitioner submits that there is a common pathway in S.No.178/33 situated at Kalladi Thidal Village, Ilayankudi Taluk, Sivagangai District. The said pathway is used by all the villagers for all purposes. The said pathway is also reflected in "A" Register and revenue records. While being so, one Loordhuraj, S/o. Antony, belonging to the same Village encroached the said pathway measuring east-west 9.6 meter and south-north 3.2 meter to the total extent of 30.072 sq. meter. Because of his encroachment, the general public cannot access the pathway and the said pathway is only the way to access the burial ground of the entire village. Therefore, the petitioner made a petition dated 05.09.2012 before the respondent to initiate proceedings under Section 133 Cr.P.C., to remove the encroachments in the said common pathway.

3.Though the counter party has filed Intervening Petition before this court, no one is appeared on behalf of him.



4. Considering the above facts and circumstances of the case, without going into the merits of the case, this Court directs the respondent to consider the petition dated 05.09.2012 and after giving sufficient opportunity to both the parties and after hearing them to pass appropriate orders on merits and in accordance with law and take appropriate action against the encroachers, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar (CS-IV)

To

1. The Tahsildar,
Ilayankudi,
Sivagangai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD) No.461 of 2014
28.08.2018

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