



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2018

CORAM:

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

W.P (MD) No.12725 of 2016

K.Sugila

... Petitioner

Vs.

1. The District Collector
Madurai District,
Madurai.

2. The Tahsildar
Madurai East Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 29.06.2016 and take appropriate action to remove the encroachment made in pathway measuring 23 feet situated at Rajakambeeram Village, Madurai East Taluk, Madurai.

For Petitioner :M/s.M.Benazir Begaum

For Respondents :Mr.A.K.Baskarapandian,
Special Government Pleader

ORDER

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

The petitioner came forward to file this writ petition styled as a 'Public Interest Litigation', alleging that he is the owner of Plot No.65, in Rajakambeeram Village, wherein, in Door No.1/172A, Hajis Garden, he put up a superstructure and is residing for the past five years.

2. It is the claim of the petitioner that from his house, there is a public pathway to a length of 23 feet and not only the



petitioner, but the other residents are also using the said pathway. However, one Mr.Pandiyarajan, the Correspondent of Modern Matriculation School, is trying to put up a superstructure by blocking the said pathway and the petitioner in this regard, has submitted a representation to the first respondent with a copy being marked to the District Revenue Officer, the Revenue Divisional Officer (North) as well as the second respondent and despite receipt and acknowledgment, no response is forthcoming and hence, the petitioner came forward to file this writ petition.

3. The learned Counsel appearing for the petitioner on instructions would submit that the superstructure put up by the petitioner is an authorised one and the said Mr.Pandiyarajan, the Correspondent of Modern Matriculation School, violating the norms, started putting up superstructure and in that process, completely blocked the public pathway and thereby, denied the access to the residents, which includes the petitioner also and hence, prays for appropriate orders.

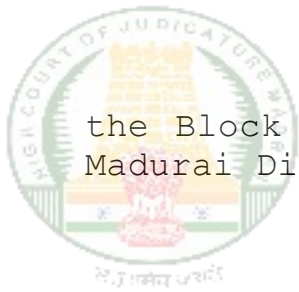
4. Mr.A.K.Baskarapandian, learned Special Government Pleader, on instructions, would submit that the said plot is an unapproved layout and as such, the prayer sought for by the petitioner may not be granted and on further instructions, would submit that necessary inspection will be conducted and depending upon the result of the said inspection, further course of action will be taken.

5. This Court heard the rival submissions and also perused the materials placed before it.

6.Though the petitioner prays for a larger relief, this Court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in this Writ Petition or in her representation, permits the petitioner to submit a representation to the jurisdictional local body along with relevant materials, documents and photographs, within a period of four weeks from the date of receipt of a copy of this order and upon receipt of the same, the said authority is directed to consider the said representation, and shall put on notice Mr.Pandiyarajan, the Correspondent of the Modern Matriculation School, Hajis Garden, Rajakambeeram, Madurai East Taluk, Madurai District and thereafter, shall consider and dispose of the same, on merits and in accordance with law, within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as the said Mr.Pandiyarajan.

7. The Writ Petition stands disposed of accordingly. No

8. The Registry is directed to mark a copy of this order to



the Block Development Officer, Rajakambeeram, Madurai East Taluk,
Madurai District.

Sd/-
Assistant Registrar (CS-I)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

1. The District Collector
Madurai District,
Madurai.
2. The Tahsildar
Madurai East Taluk,
Madurai District.
3. **The Block Development Officer,
Rajakambeeram,
Madurai East Taluk,
Madurai District.**

+ 1 cc TO The Special Government Pleader in SR No. 46403

pm/rm
AE/SV MMS/SAR4/13.02/2018/3P/5C

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02.02.2018**