



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.02.2018

CORAM:

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

W.P (MD) No.13744 of 2016

Muniyandi

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

3.Rajendran

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 20.06.2016 to remove the encroachment made by the 3rd respondent in the public pathway in Survey No.370/20, Kanjirangal, Kanjirangal Post, Sivagangai Taluk & District.

For Petitioner

: Mr.C.Suresh Kannan

For R-1 and R-2

: Mr.A.K.Baskara Pandian
Special Government Pleader

ORDER

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

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

2. Mr.A.K.Baskarapandian, learned Special Government Pleader accepts notice on behalf of respondents 1 and 2.

3. The petitioner claims to be a resident of Kakkan Colony, Kanjirangal, Sivagangai Taluk and District and according to him, he is the owner of the house property in Survey No.129/1 in the said Colony and Patta No.74 was also issued to him and on the northern side of his property, a public pathway is there in Survey No.370/20 and it is being used not only by him and also by the neighbours and other residents of that locality.



4. The grievance expressed by the petitioner is that the third respondent has encroached upon the said public pathway and put up a 'Cow Shed' and thereby, obstructing the use of the said pathway and in this regard, he submitted a representation dated 20.06.2016 to the respondents 1 and 2 and in spite of receipt and acknowledgement, dated 19.07.2016, no steps have taken to alleviate the grievance and hence, he came forward to file this Writ Petition.

5. This Court heard the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 and 2.

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 his representation, directs the second respondent to cause inspection of Survey No.370/20 of Kakkan Colony, Kanjirangal, Sivagangai Taluk and District, after putting the petitioner as well as the third respondent on notice, to find out as to whether a public pathway is in existence or not and depending upon the result of the said inspection, the second respondent shall take further action on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the third respondent.

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

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

+One cc to Mr.C.Suresh Kannan, Advocate, SR.No.47041

rmi/pm

RL/4C/2P/KK/SAR1/15/2/2018

ORDER MADE IN
W.P(MD)No.13744 of 2016