

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.04.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.874 of 2018

Muthuswamy ... Petitioner

vs

1.The District Collector,
O/o. The Salem District Collectorate,
Salem-636 001.

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Attur Taluk, Salem District.

3.The Tahsildar,
Ranipet Main Road,
Pungavadi Puthur,
Attur - 636 102,
Salem District.

4.Chinnaponnu .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of mandamus directing the respondents 1 to 3 to take appropriate action by conducting proper enquiry and take necessary steps to remove the encroachments made in the strip of land classified as pathway - poramboke and subdivided as Survey No.398/11 in Manivizhuthan-south revenue Village, Attur Taluk, Salem District based on the petitioner's representation dated 21.08.2017 and restore the access street way as earmarked in the revenue records and provide proper and necessary access.

For Petitioner : Mr.K.R.Samratt

For Respondents

: Mr.V.Jayaprakash
Narayanan
Government Pleader (i/c)
for respondent Nos.1 to 3

Mr.P.Jagadeesan
for respondent No.4

ORDER

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

The above writ petition has been filed by the petitioner to issue a writ of mandamus directing respondents 1 to 3 to take appropriate action by conducting proper enquiry and take necessary steps to remove the encroachments made in the strip of land classified as pathway - poramboke and subdivided as Survey No.398/11 in Manivizhuthan-south revenue Village, Attur Taluk, Salem District based on the petitioner's representation dated 21.08.2017 and restore the access street way as earmarked in the revenue records and provide proper and necessary access.

2. When the writ petition came up for hearing on the earlier occasion, the learned Government Pleader (i/c.) submitted that the land in question in Survey No.398/11 was wrongly assigned in favour of the fourth respondent and, therefore, they are taking steps to assign an alternate land in favour of the fourth respondent. Subsequently, the third respondent has filed a status report wherein it has been stated that the fourth respondent has been allotted an alternate house site measuring an extent of 1½ cents in Survey No.469/1, which is classified as Natham Poramboke, enabling the fourth respondent to construct a dwelling house and to vacate her present house in Survey No.398/1, which has been set apart for street purposes. Further, the learned Government Pleader (i/c.) submitted that the third respondent would handover vacant possession of the property to the fourth respondent within a period of ten days from the date of receipt of a copy of this order.

3. The learned counsel for the fourth respondent submitted that since an alternate land has been allotted to the fourth respondent, the fourth respondent would vacate the land in Survey No.398/11 and handover the vacant possession to the third respondent within a period of ten days from the date of receipt of a copy of this order.

4. The above submissions made by the learned counsel for the fourth respondent and learned Government Pleader (i/c.) are taken on record.

5. In view of the above, no further orders are required to be passed in this writ petition and the same is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1.The District Collector,
O/o. The Salem District Collectorate,
Salem-636 001.
- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Attur Taluk, Salem District.
- 3.The Tahsildar,
Ranipet Main Road,
Pungavadi Puthur,
Attur - 636 102,
Salem District.

+1cc to Mr. P.Jagadeesan, Advocate SR.No. 34112
Special Government Pleader 34329

W.P.No.874 of 2018

A.SK(29/04/2019)

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