

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:02.01.2019

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE R.PONGIAPPAN

W.P.No.34103 of 2016

R.Rajammal

.. Petitioner

Vs.

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

3.The Tahsildar,
Vandhavasi Taluk,
Thiruvannamalai District,
Thiruvannamalai.

4.Sekar

5.Anjalai

6.Umapathy

7.Subramani

8.John @ Krishnamoorthy

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st and 2nd Respondents to remove the debris in the Government Pathway which leads to the Petitioner agriculture land in Survey No.120/5 Emballam Village, Vandavasi Taluk, Thiruvannamalai District pursuant to the Petitioner representation dated 29.08.2016.

For Petitioner : Mr.V.Karnan

For Respondents 1 to 3 : Mr.S.N.Parthasarathy
Government Advocate

O R D E R

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

Heard the Learned Counsel for the Petitioner and the Learned Government Advocate for Respondents 1 to 3. No counter is filed on behalf of Respondents 1 to 3.

2.To avoid an avoidable delay, notice to the Respondents 4 to 8 is dispensed with.

3.According to the Petitioner, she is an Agriculturist and the 3rd Respondent had issued Patta bearing No.440 in respect of Survey No.120/5, Emballam Village, Vandavasi Taluk, Vandavasi Taluk, Tiruvannamalai District. Even prior to the issuance of Patta in respect of the agricultural land, she was cultivating the land and after issuance of Patta, she is paying the necessary taxes payable to the Government till date without committing any default and also carrying out agricultural activities in the aforesaid land.

4.The prime grievance of the Petitioner is that the Respondents 4 to 8, being total strangers, are not connected with her property and with a view to encroach the Government Poramboke Land situated adjacent to her Patta land, the Respondents 4 to 6 are putting the debris and sand in a Government pathway and obstruct the way which leads to her aforesaid property mainly with an intention to grab the Government Poramboke Land.

5.At this juncture, the Learned Counsel for the Petitioner comes out with a plea that during February, 2015 the Respondents 4 to 8 had obstructing the Government Pathway which leads to the Petitioner's Patta Land with an intention to grab the adjacent Government Poramboke Land based on her representation, the endeavour of encroaching upon the Government Land was stopped.

6.That apart, on 26.08.2016, the Respondents 4 to 8, again with an intention to encroach the Government Poramboke Land, had put up debris and also put up the sand by digging the Pond shore and thereby blocked the Government Pathway which leads to the Petitioner's Patta land.

7.The Learned Counsel for the Petitioner points out that the Petitioner had addressed a representation on 29.08.2016 to the 1st Respondent/District Collector, Thiruvannamalai District to remove the debris in the Government Pathway which leads to the Petitioner's Patta land and also gave representation to the 2nd Respondent/Superintendent of Police, Thiruvannamalai District to take necessary action against the Respondents 4 to 8 and also to give police protection to her and her family members. The Petitioner has a grievance that if the debris put up by the Respondents 4 to 8 is not removed from the pathway which leads to her Patta land, then, she will be greatly prejudiced and hence, she has filed the present Writ of Mandamus praying for passing of an order by this Court in directing the Respondents 1 and 2 to remove the debris in the Government Pathway which leads to her agriculture lands in Survey No.120/5 Emballam Village,

Vandavasi Taluk, Tiruvannamalai District pursuant to a representation dated 29.08.2016.

8.It must be borne in mind that nearly 2 years and four months have rolled by from the date of representation of the Petitioner dated 29.08.2016 addressed to the Respondents 1 and 2.

9.In this connection, the Learned Government Advocate for Respondents 1 to 3 informs this Court that if the debris as averred by the Petitioner is very much available as on date and if the same has not been removed till date, then, the Authorities concerned will take necessary action within a period of 10 days.

10.Considering the fact that the Petitioner's representation dated 29.08.2016 addressed to Respondents 1 and 2 independently wherein the Petitioner has a grievance that the debris in issue had blocked the Government common pathway which leads to her patta land, this Court, based on Equity, Fair Play, Justice and Good Conscience, directs the Respondents 1 to 3 to look into the representation of the Petitioner dated 29.08.2016 and to take an effective and efficacious steps in a diligent manner in case the debris in question put up by the Respondents 4 to 8 has not been removed till date. In this regard, the Respondents 1 to 3 are directed to take necessary steps in removing the debris put up by the Respondents 4 to 8 (if not already removed) and to clear the Government pathway free from any blockage so as to enable the Petitioner to reach her Patta land. The said exercise shall be undertaken by the Respondents 1 to 3 within a period of 10 days from the date of receipt of copy of this order. If the Respondents 1 to 3 subjectively feel that the Petitioner is to be provided with an opportunity of hearing, in respect of the representation made by her dated 29.08.2016, then, it is for them to take a final call in this regard and after hearing the Petitioner, if situation so warrants, then, pass necessary orders on the representation of the Petitioner dated 29.08.2016 within the time adumbrated by this Court. The Petitioner in the event of herself being called for a personal hearing/ enquiry by the Respondents 1 to 3, then, she is to lend unstinted cooperation and assistance to the authorities so as to dispose of her representation dated 29.08.2016 swiftly.

11.With the aforesaid observation and direction, the Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

Sgl

To

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

3.The Tahsildar,
Vandhavasi Taluk,
Thiruvannamalai District,
Thiruvannamalai.

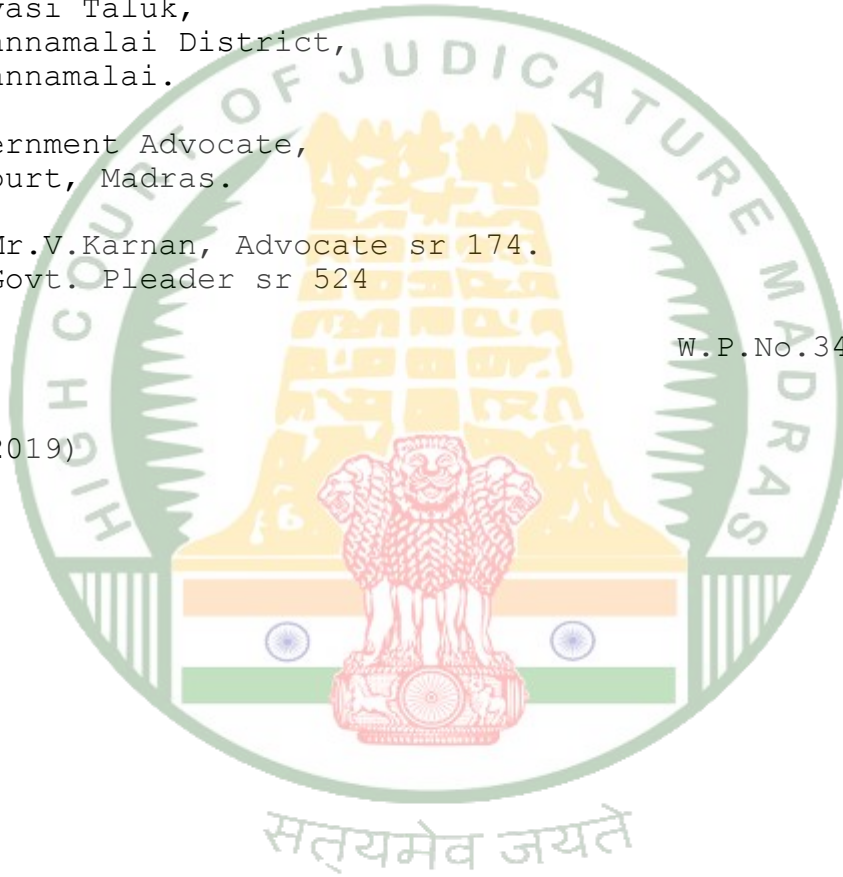
4.The Government Advocate,
High Court, Madras.

+1 CC to Mr.V.Karnan, Advocate sr 174.

+1 CC to Govt. Pleader sr 524

W.P.No.34103 of 2016

SR(CO)
SP(28/01/2019)



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