

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

WP.No.29920/2019 & WMP.No.29828/2019

1.Periyasamy

2.Ramasamy

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Petitioners

Versus

1. The District Revenue Officer
Namakkal District.

2. The Revenue Divisional Officer
Thiruchengodu, Namakkal District.

3. The Tahsildar
Paramathi Vellur Taluk
Namakkal District.

4. The Executive officer
Kurumbalamahadevi Panchayat
Kapilamalai, Paramathi Vellur
Namakkal District.

5. Palaniappan

6. Saravana Kumar

7. Elavarasi

8. Subramaniam

9. Anbarasu

10.Arunachalam

11.Palaniappan

12.Karumana Gounder

13.Nallasivam

14.Poogkodi

15.Sakthikumar

16.Kanthimathi

17.Vijay Anand

18.Dhanashankar

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Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1

to 4 to remove the encroachment made by respondents 5 to 18 in the pathway which is classified as Poramboke in Survey No.81/1, 79/1, 80/1, 84/1 and 7/1 in Kurumbalamahadevi Village, Paramathi Vellur Taluk, Namakkal District.

For Petitioners: Mr.L.Mouli

For R1 to R3 : Mr.R.Udhayakumar, AGP

For R4 : Mr.V.Jayaprakash Narayan
Government Pleader

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.V.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of the 4th respondent.
- (2) The petitioners claim to be the absolute owner of the agricultural lands in S.No.80/2 situate at Kurumbalamahadevi Village, Paramathi Vellur Taluk, Namakkal District. It is their case that in order to reach their lands in S.No.80/2, they have to go via the pathway which starts from Natham Survey No.77 and runs through Poramboke pathway in S.Nos.81/1, 79/1, 80/1, 84/1 and 7/1 of the very same Village and it connects Kalukadaimedu to Thedumal Panchayat Road.
- (3) The grievance expressed by the petitioners is that the private respondents, viz., respondents 5 to 18, have encroached upon the said public pathway in the form of encroachment and thereby, prevented their ingress and egress and also preventing others from using their vehicles through the said pathway. The petitioners had repeatedly submitted representations in this regard.
- (4) The learned counsel for the petitioners has drawn the attention of this Court to the 'A' Register of Kurumbalamahadevi Village and would submit that admittedly, as per the revenue records, the lands in the said Survey Numbers are cited as 'pathway' and on the basis of the complaint given by the petitioners, the 2nd respondent has sent a Memo dated 11.12.2018 in O.Mu.No.5190/2018/A and directed the 3rd respondent to take appropriate action and submit a report. Thereafter, the 3rd respondent, apprehending law and order problem while surveying the said lands, had also requested the Sub Inspector of Police, Paramathi Vellur Police Station to give necessary police aid and after surveying, had put up the

boundary stones also and the same has been illegally removed by the private respondents. It is his further submission that the petitioners in this regard, has also submitted a detailed representation dated 29.07.2019 to the 1st respondent along with enclosures with copies marked to the respondents 2 to 4 and despite receipt and acknowledgment, none of the official respondents had taken any action and therefore, the petitioners are constrained to approach this Court by filing the present writ petition, styled as a Public Interest Litigation.

(5) This Court heard the arguments advanced by the learned counsel for the petitioner and also perused the materials placed before it.

(6) This Court, taking into consideration the facts and circumstances and without going into the merits of the claim projected by the petitioners either in their representation or in this writ petition, directs the 1st respondent to consider the petitioners' representation dated 29.07.2019, after calling for a Report from the respondents 2 to 4 and depending upon the Report, shall take appropriate action in accordance with law, also by adhering to the principles of natural justice and complete the said exercise within a period of six weeks from the date of receipt of a copy of this order.

(7) The writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Revenue Officer
Namakkal District.
2. The Revenue Divisional Officer
Thiruchengodu, Namakkal District.
3. The Tahsildar
Paramathi Vellur Taluk
Namakkal District.

4. The Executive officer
Kurumbalamahadevi Panchayat
Kapilamalai, Paramathi Vellur
Namakkal District.

+1cc to Mr.L.Mouli, Advocate, S.R.No.87710
+1cc to the Government Pleader, S.R.No.88273

WP.No.29920 of 2019

EV(CO)
CS/29/11/2019



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