

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.31136/2019

Govindaraj

Petitioner

Versus

- 1.The District Collector  
Salem District, Salem.
- 2.The Revenue Divisional Officer  
Attur Town and Taluk, Salem.
- 3.The Block Development Officer  
Pethanaickenpalayam Town and Taluk  
Salem.
- 4.The Tahsildar  
Pethanaickenpalayam Town and Taluk  
Salem.
- 5.The Village Administrative Officer  
Karumandurai Village, Vadaku Nadu  
Chinnakalrayanmalai, Pethanaickenpalayam  
Taluk, Salem District.
- 6.Sadayan
- 7.Senthil
- 8.Muthusamy
- 9.Mathu
- 10.Karthick
- 11.Theerthan

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 11 in the 20 feet pathway which is classified as 'Oni' in S.No.1061/1, 1062/1, 1063/1, 1064/10, 1065/3 situated in Karumandurai Village, Vadaku Nadu, Chinnakalrayanmalai, Pethanaickenpalayam Taluk, Salem District.

For Petitioner : Mr.L.Mouli  
For RR 1 to 5 : 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.V.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of the respondents 1 to 5.
- (2) The petitioner claims to be the absolute owner of the agricultural lands admeasuring to an extent of 7 1/2 cents in Survey Nos.1065/1 and 1065/4 situate at Vadaku Nadu, Chinnakalrayanmalai, Pethanaickenpalayam, Salem District. It is the specific case of the petitioner that in order to have access to his agricultural lands, in the said survey numbers, there exist a 20 feet pathway which starts from the agricultural lands in S.Nos.1065/1 and 1065/4 and it runs through the pathway which is classified as 'Oni' [cattle track] as per the 'A' Register in S.Nos. 1061/1, 1062/1, 1063/1, 1064/10, 1065/3 and finally connects to Karumandurai pucca road. It is also the specific case of the petitioner that the 20 feet pathway is being used by the owners of the agricultural lands from the time immemorial and the private respondents, viz., respondents 6 to 11, who own agricultural lands on both sides of the 20 feet cattle track, had encroached upon the same and started growing crops and therefore, the width of the cattle track is reduced and as a consequence, the petitioner is put to extreme hardship and difficulty for having access to his lands. The petitioner in this regard, has submitted a representation dated 16.09.2019 to respondents 1 to 5 and despite receipt and acknowledgment, no action is being taken and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

(3) Mr. V. Jayaprakash Narayan, learned Government Pleader appearing for the respondents 1 to 5 would submit that after causing inspection as well as perusal of the revenue records, appropriate action will be taken against the alleged encroachers.

(4) This Court has considered the rival submissions and also perused the materials placed before it.

(5) This Court, taking into consideration, the above facts and circumstances as well as the arguments advanced by the learned counsel for the petitioner and without going into the merits of the claim projected by the petitioner, directs the respondents 3 and 4 to cause inspection of the lands classified as 'Oni' [cattle track] in S.No. 1061/1, 1062/1, 1063/1, 1064/10, 1065/3 at Karumandurai Village, Vadaku nadu, Chinnakalrayanmalai, Pethanaickenpalayam, Salem District, after putting the petitioner as well as the private respondents on notice and depending upon the result of the inspection, shall take appropriate action in accordance with law and the respondents 3 and 4 shall complete the entire exercise within a period of ten 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 private respondents herein.

(6) The writ petition stands disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS I)

/true copy/

Sub Asst. Registrar

AP

To

1. The District Collector  
Salem District, Salem.

2. The Revenue Divisional Officer  
Attur Town and Taluk, Salem.

3. The Block Development Officer  
Pethanaickenpalayam Town and Taluk  
Salem.

3/4

4.The Tahsildar  
Pethanaickenpalayam Town and Taluk  
Salem.

5.The Village Administrative Officer  
Karumandurai Village, Vadaku Nadu  
Chinnakalrayanmalai, Pethanaickenpalayam  
Taluk, Salem District.

+1 cc to Mr.L.Mouli Advocate sr91419

+1 cc to the Government Pleader sr91807

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