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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P(MD)NO.7484 OF 2019

Samuel Wilson Hendry

:Petitioner

.vs.

- 1.The Director,
Regional Meterological Centre,
Chennai.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.
- 4.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.
- 5.The Chairman,
Meterological Observatory,
Kodaikanal,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 2 to 4 to remove the encroachment made by the fifth respondent in the pathway comprised in T.S.No.4/3, situated at Kodaikanal, Dindigul District by considering his representation dated 25.2.2019 and 7.3.2019.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.Aayiram K.Selvakumar
1 and 5 Addl. Govt.Pleader

For Respondents : Mr.M.Pandiarajan
2 to 4 Addl.Govt.Pleader

**O R D E R***********

[Order of the Court was made by **K.KALYANASUNDARAM.,J.**]

Heard Mr.T.Lenin Kumar, learned counsel appearing for the Petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 and 5, and Mr.M.Pandiarajan, learned Additional Government Pleader appearing for the respondents 2 to 4 and perused the materials available on record.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents 2 to 4 to remove the encroachment made by the fifth respondent in the pathway comprised in T.S.No.4/3, situated at Kodaikanal, Dindigul District by considering his representations, dated 25.2.2019 and 7.3.2019.

3.Mr.T.Lenin Kumar, learned counsel for the Petitioner would submit that on 26.4.1969, the father of the Petitioner purchased agricultural lands measuring an extent of 1.55 acres comprised in S.No.512/2 and T.S.No.4/2 in Kodaikanal Town, through a registered sale deed. Since then, they are in possession and enjoyment of the same. It is further submitted that a common pathway with an extent of 21 ft in width was formed to reach the property. According to the learned counsel for the Petitioner, the fifth respondent has put up a compound wall preventing the Petitioner to have an access to his property. Despite repeated representations, no action has been taken by the respondents.

4.It is further submitted that the Petitioner would be satisfied if a direction is issued to the fourth respondent to consider the grievance of the Petitioner.

5.The learned counsel for the respondents would submit that the land in T.S.No.4/3 with an extent of 0.35.50 hectare was allotted to the 5th respondent and they had put up a compound wall without encroaching any other property. It is further submitted that the fourth respondent is ready to consider the representations of the Petitioner.

6.In view of the above facts and circumstances and considering the submissions made on either side, this Court, without expressing any opinion on merits of the matter, directs the fourth respondent to consider the representations of the Petitioner dated 25.2.2019 and 7.3.2019 and pass orders purely on merits and in accordance with law, after affording opportunity to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.



7. With the above direction, the Writ Petition stands disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (T & P)

Sub Assistant Registrar (CS)

vsn

To

1. The Director,
Regional Meteorological Centre,
Chennai.
2. The District Collector,
Dindigul District,
Dindigul.
3. The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.
4. The Tahsildar,
Kodaikanal Taluk,
Dindigul District.
5. The Chairman,
Meteorological Observatory,
Kodaikanal,
Dindigul District.

+1CC TO MR.T.LENIN KUMAR, Advocate Sr. No.63759
+1CC TO MR.AAYIRAM K.SELVAKUMAR, Advocate Sr. No.64359
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.64987

ORDER MADE IN
W.P(MD)NO.7484 OF 2019
29.04.2019

DKS (CO)
TR (07.05.2019) 3P 9C