



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.04.2019
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI
W.P. (MD) .No.8137 of 2019

N.Ramesh

... Petitioner

Vs.

1. The Block Development Officer (BDO),
Kuruvikulam Panchayat Union,
Tirunelveli District.

2. The Tahsildar,
Tiruvengadam Taluk,
Tirunelveli District.

3. The Inspector of Police,
Ayyapuram Police Station,
Tiruvengadam Taluk,
Tirunelveli District.
(R3 is deleted vide Court order
dated 05.04.2019.)

4.Jeyaraman

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to remove the encroachment put up by the fourth respondent in the pathway in Survey No.1009/10, Nayakkarpatti, Thiruvengadam Taluk, Tirunelveli District.

For Petitioner : Mr.P.Subbaraj

For R1 : Mr.P.Kannithevan
Additional Government Pleader

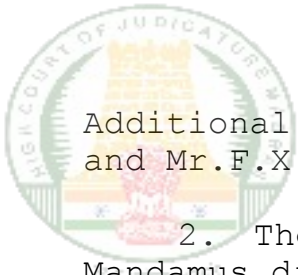
For R2 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R4 : Mr.F.X.Eugene

ORDER

(Order of the Court was made by K.KALYANASUNDARAM,J.)

Heard Mr.P.Subbaraj, learned counsel for the petitioner,
<https://hcservices.ecourts.gov.in/hcservices/>
Mr.P.Kannithevan, learned Additional Government Pleader appearing
for the first respondent, Mr.Aayiram K.Selvakumar, learned



Additional Government Pleader appearing for the second respondent and Mr.F.X.Eugene, learned counsel for the fourth respondent.

2. The prayer in the writ petition is to issue a writ of Mandamus directing the respondents 1 to 3 to remove the encroachment put up by the fourth respondent in public pathway in Survey No.1009/10 at Nayakkarpatti in Thiruvengadam Taluk, Tirunelveli District.

3. The learned counsel for the petitioner would state that the petitioner has constructed a house in Survey No.1005 in his village and residing with his family. It is further stated that the fourth respondent has encroached upon a public pathway in Survey No.1009/10. Since the encroachment was not removed despite the representations of the petitioner dated 04.02.2019, 05.02.2019 and 18.02.2019, the present writ petition has been filed. It is further stated that it would suffice, if a direction is issued to the second respondent to consider the grievance of the petitioner.

4. The learned Additional Government Pleader appearing for the second respondent would state that the representations of the petitioner would be considered in accordance with law.

5. Mr.F.X.Eugene, learned counsel for the fourth respondent would argue that admittedly the land in dispute has been classified as Natham in the Revenue Records and unless the petitioner establishes the public pathway, the present writ petition is not maintainable and if the petitioner has any grievance, he has to approach the revenue authorities.

6. However, considering the nature of the prayer sought for in the writ petition and the submissions of the learned counsels on either side, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to pass appropriate orders on the representations of the petitioner, in accordance with law, after providing opportunity to all necessary parties, 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.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1. The Block Development Officer (BDO),
Ruruvikulam Panchayat Union,
Tirunelveli District.



2. The Tahsildar,
Tiruvengadam Taluk,
Tirunelveli District.

+1 CC to M/s.P.SUBBARAJ, Advocate (SR-61667[F] dated 23/04/2019)

+1 CC to M/s.F.X.EUGENE, Advocate (SR-61727[F] dated 23/04/2019)

+1 CC to M/s.SPL GP (SR-62147[F] dated 24/04/2019)

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22.04.2019

CS: 13/05/2019/3P/6C