



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.16196 of 2019

P.Subramanian

... Petitioner

-vs-

1.The District Collector
Ramanathapuram District

2.The Revenue Divisional Officer
Ramanathapuram
Ramanathapuram District

3.The Tahsildar
Thiruvadanai Taluk
Ramanathapuram District

4.K.Mahalingam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 for the removal of encroachment made by the fourth respondent in Survey No.222/12, Kangoorani, Thiruvadanai Group and Taluk, Ramanathapuram District, based on the petitioner's representation dated 21.07.2017, within the period stipulated by this Court.

For Petitioner : Mr.H.Velavadhas

For Respondents : Mr.M.Murugan

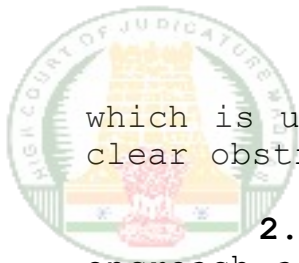
Government Advocate for R1 to R3

Mr.N.Pragalathan for R4

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

The petitioner and the fourth respondent are close relatives and it is obviously clear that on account of certain other personal issues, a complaint had been made by the petitioner against the fourth respondent alleging that there is an encroachment in the public road. The photographs produced by either side show that there is a tiled sheet put up by the fourth respondent, part of



which is used as a cowshed. This according to the petitioner is a clear obstruction to the pathway.

2. It is no doubt true that no person is entitled to encroach a pathway. But, if a temporary structure has been existed for a quite long number of years and by which there has been no hindrance in rural areas, normally we are not interfered. But, however, in this case, the animosity between the petitioner and the fourth respondent was taken upto the Civil Court and it also reached this Court. The Authorities are bound to take action in accordance with law. If according to the Authorities the encroachment portion alone can be dismantled, appropriate steps be taken to restore the original width of the pathway.

3. Therefore, before passing any orders, the third respondent is directed to issue notice to the petitioner and the fourth respondent calling upon to personally be present in his office and enquire into the matter and workout a reasonable solution.

4. It is represented by the learned Government Advocate appearing for the respondents 1 to 3 that the fourth respondent, who is presently residing in Karaikudi, had refused to receive notice, which was sent by the third respondent. Notice shall be sent to the fourth respondent by the third respondent and be served through the jurisdictional Police, within whose jurisdiction the fourth respondent is presently residing, and the date be fixed within a period of two weeks from the date of receipt of a copy of this order and after enquiry, appropriate orders be passed and action be initiated in accordance with law.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.



3.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

+1 CC to Mr.N.PRAGALATHAN, Advocate (SR-88053[F] dated 20/09/2019)

+1 CC to Mr.H.VELAVADHAS, Advocate (SR-88272[F] dated 20/09/2019)

+1 CC to SPL GP (SR-88387[F] dated 20/09/2019)

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19.09.2019

krk

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