



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HONOURABLE MRS. JUSTICE R.THARANI

Writ Petition (MD) No.18733 of 2018

S.Ramasamy

.. Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Iluppur,
Pudukkottai District.

3.The Tahsildar,
Ponnamaravathy Taluk,
Pudukkottai District.

4.Vaithiyanathan

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent blocking the cart way existing in Government poromboke land in survey No.863 of Thirukalampur village, Ponnamaravathy Taluk, Pudukkottai District within a stipulated period.

For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.Ayiram K.Selvakumar

Additional Govt.Pleader
for RR-1 to 3

Mr.V.Sitharanjan Das for R4

ORDER

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

The petitioner has come forward with this writ petition for issuance of Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in survey No.863 of Thirukalampur village, Ponnamaravathy Taluk, Pudukkottai District within a stipulated time.



2.The case of the petitioner is that he is an agriculturist and owning lands in Sy.No.864/3 and the cart track, which was formed in Government poromboke in Sy.No.863 is the only access to reach his agricultural lands. The allegation of the petitioner is that the fourth respondent is now blocking the public pathway preventing his access to reach his lands.

3.The fourth respondent has filed a detailed counter stating that the pathway in Sy.No.863 is only for his use to reach his residential area and to attend the cultivation and there is no such north-south pathway on west to reach Sy.No.863.

4.Mr.N.Balakrishnan, learned counsel for the petitioner would state that it would be suffice, if a suitable direction is issued to the third respondent to consider the representation of the petitioner.

5.Mr.Ayiram K.Selvakumar, learned Additional Government Pleader, would submit that the third respondent is ready to consider the representation in accordance with law.

6.Mr.Sitharanjandas, learned counsel for the fourth respondent would urge that a civil suit in O.S.No.181/2018 has been filed by the petitioner before the Principal Sub-Court, Pudukkottai for permanent injunction and the third respondent may be directed to pass orders, after affording ample opportunity to the fourth respondent to establish his case.

7.Taking note of the prayer sought for in the writ petition and the submissions made on either side, this Court without going into the merits of the matter, directs the third respondent to consider the representation of the petitioner dated 06.07.2018 and pass final orders on merits and in accordance with law, after providing opportunity to the petitioner and the fourth respondent. The entire exercise shall be completed within a period of 3 months from the date of receipt of a copy of this order. The parties shall co-operate for conclusion of the trial in a stipulated time.

8.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1.The District Collector,
Pudukkottai District,
Pudukkottai.



2.The Revenue Divisional Officer,
Iluppur,
Pudukkottai District.

3.The Tahsildar,
Ponnamaravathy Taluk,
Pudukkottai District.

+1 CC to M/s.V.SITHARANJANDAS, Advocate (SR-62220[F] dated
24/04/2019)

+1 CC to M/s.N.BALAKRISHNAN, Advocate(SR-62224[F] dated 24/04/2019)

+1 CC to M/s.SPL GP (SR-62752[F] dated 25/04/2019)

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CS: 13/05/2019/3P/7C