

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.02.2020
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS. JUSTICE R.HEMALATHA
W.P.No.2827 of 2020

A.Mohan Babu

... Petitioner

Vs.

1.The District Collector,
Kancheepuram District.

2.The Tahsildar,
Sriperambudur, Kancheepuram District.

3.The Executive Officer,
Salamangalam Panchayat,
Kundrathur Panchayat Union (E) Padappai,
Kancheepuram District.

4.H.Mohan

5.Duraisamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 3 to consider and pass an order on the petitioner's representation dated 25.11.2019 to take action to remove the encroachment made by respondents 4 & 5 upon the mutt road (pathai) situated in S.No.121 in Salamangalam Village, Kundrathur Panchayat Union (E) Padappai, Kancheepuram District.

For Petitioner : Mr.K.Subramanian

For Respondents: Mr.R.Vijayakumar,
Additional Government Pleader (R1 & R2)

सत्यमेव जयते
O R D E R

(Order of the Court was made by M.SATHYANARAYANAN, J.)

The petitioner claims to be the owner of Nanja land, ad-measuring an extent of 0.07 cents in Survey No.119/3B, Salamangalam Village, Sriperumbudur Taluk, Kancheepuram District, through a Sale Deed registered as Document No.246/2011 and he claims to be in possession of the said land by cultivating it and the petitioner was also issued with Patta No.1731 and his property is also subjected to statutory levies.

2. The grievance expressed by the petitioner is that in order to have access to his land, he is using the public road (mud road), which is having a breadth of 20 feet. According to the petitioner, the private respondents had encroached upon the said pathway and as a consequence, width of the same got reduced to 4 feet from 20 feet. The petitioner, in this regard, has submitted a representation dated 25.11.2019 to the 1st respondent, who in turn, sent a memo dated 24.12.2019 in Na.Ka.No.40220/2019/Aa2 to the 2nd respondent for taking appropriate action.

3. The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner is not an encroacher upon any Government land or land belonging to the local body and prays for appropriate orders for the removal of the encroachment caused by the private respondents.

4. This Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

5. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to cause inspection of the alleged public pathway in Survey No.121 in Salamangalam Village, Kundrathur Panchayat Union (E) Padappai, Kancheepuram District, after putting the petitioner as well as the private respondents and any other persons concerned, on notice and depending upon the result, shall take appropriate action in accordance with law and communicate the decision taken, to the petitioner, the private respondents as well as to the persons concerned. The entire exercise shall be completed by the 2nd respondent within a period of ten (10) weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of accordingly. No costs.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

va

To

1.The District Collector,
Kancheepuram District.

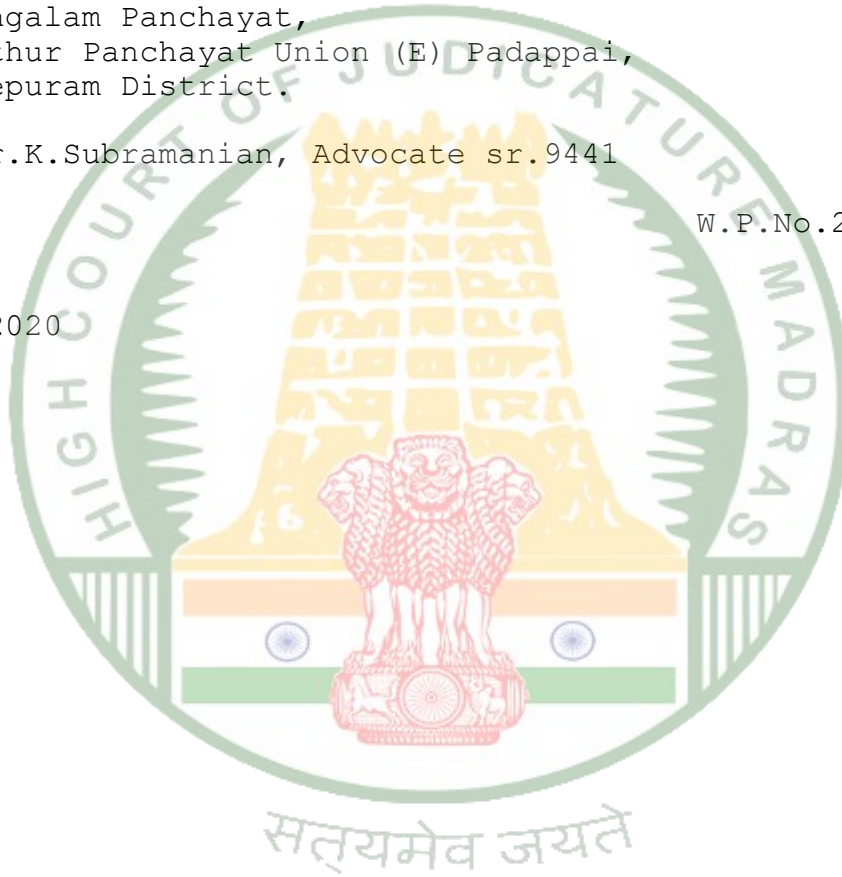
2.The Tahsildar,
Sriperambudur, Kancheepuram District.

3.The Executive Officer,
Salamangalam Panchayat,
Kundrathur Panchayat Union (E) Padappai,
Kancheepuram District.

+2cc to Mr.K.Subramanian, Advocate sr.9441

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