

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2020

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.25922 of 2013

V.Perumal

... Petitioner

Vs.

1.The District Collector,
Vellore,
Vellore District.

2.The Tahsildar,
Vellore Taluk Office,
Vellore,
Vellore District.

3.The Land Surveyor,
Vellore Taluk Office,
Vellore,
Vellore District.

4.The Village Administrative Officer,
Virupatchipuram,
Vellore,
Vellore District.

5.K.Palani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the third respondent to demark the pathway in the petitioner property situated in survey No.509/16 to the total extent of 64 meters situated at Kulavi madu-II, Virupatchipuram Post, Vellore District.

For Petitioner : Mr.M.Sathish Kumar

For Respondents 1 & 4 : Mr.R.S.Selvam,
Government Advocate

For Respondent : No appearance

ORDER

This writ petition has been filed for a mandamus to direct the third respondent to demark the pathway in the petitioner's property in survey No.509/16 to the total extent of 64 meters situated at Kulavi madu-II, Virupatchipuram Post, Vellore District.

2. It is the case of the petitioner that he is in possession of the aforementioned property and patta has also been issued in his favour in the year 1987 and that he has been regularly paying taxes and other charges in respect of his property. It is the case of the petitioner that the fifth respondent who is residing in the back portion of the petitioner's property used to make use of the petitioner's property for his quick access, despite there being a main pathway within 10 yards from the fifth respondent's property. It is the case of the petitioner that the third and fourth respondents without examining the relevant revenue records had marked the pathway in the petitioner's property to the extent of 2 ¼ sq. ft. According to the petitioner, the said marking of the pathway by the third and fourth respondents is illegal as it has encroached upon the petitioner's property, in view of the wrongful marking of pathway by the third and fourth respondents.

3. It is the case of the petitioner that the fifth respondent is now attempting to trespass into the petitioner's property. It is the case of the petitioner that he gave a representation dated 20.08.2013 to the respondents 1 to 4 to demark the pathway in the petitioner's property in Survey No.509/16 to the total extent of 64 meters situated at Kulavi madu-II, Virupatchipuram Post, Vellore District. According to the petitioner, despite the representation, till date, the respondents 1 to 4 have not passed any final orders on the said representation nor have they demarked the pathway as sought for by the petitioner. In such circumstances, this writ petition has been filed.

4. Heard Mr. M.Sathish Kumar, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate for the respondents 1 to 4. Despite service of notice on the fifth respondent and his name having been printed in the cause list today, no one has entered appearance on his behalf.

5. The prayer sought for in this writ petition is an innocuous prayer and no prejudice will be caused to the respondents, if the prayer is granted. The case of the petitioner is that the third and fourth respondents without examining the relevant revenue records have marked the pathway in the petitioner's property to the extent of 2 ¼ sq. ft.

annexing his residential house. According to the petitioner, the said marking of the pathway to the extent of 2 ¼ sq ft is illegal and not as per the revenue records. In such circumstances, the petitioner has given a representation dated 20.08.2013 to the respondents 1 to 4 seeking to demark the pathway measuring an extent of 2 ¼ sq. ft.

6. Admittedly, till date, the respondents 1 to 4 have not considered the representation dated 20.08.2013 of the petitioner on merits and in accordance with law. In such circumstances, this court is inclined to grant an order directing the second respondent to consider the representation dated 20.08.2013 sent by the petitioner seeking for demarking of the pathway measuring 2 ¼ sq. ft. in the petitioner's property in S.No.509/16 to the total extent of 64 meters situated at Kulavi madu-II, Virupatchipuram Post, Vellore District after giving notice to the fifth respondent and other necessary parties and after affording an opportunity of personal hearing to the petitioner as well as other necessary parties and pass final orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this Order. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Vellore,
Vellore District.

2.The Tahsildar,
Vellore Taluk Office,
Vellore,
Vellore District.

3.The Land Surveyor,
Vellore Taluk Office,
Vellore,
Vellore District.

4.The Village Administrative Officer,
Virupatchipuram,
Vellore,
Vellore District.

+1cc to Mr.M.Sathish Kumar, Advocate, SR.No.5267.

W.P.No.25922 of 2013

SSI (CO)
CSR: 20.01.2020



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