

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29450 of 2013 and M.P.No.1 of 2013  
(Heard through VC)

T.M.Margabandu

.. Petitioner

-vs-

1.The State of Tamil Nadu,  
Rep. by The District Collector,  
Vellore,  
Vellore District.

2.The Tahsildar,  
Arcot,  
Vellore District.

3.The Executive Officer,  
Thimiri Panchayat Union,  
Arcot Taluk,  
Vellore District.

4.P.Ramasamy

5.R.Settu

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the second respondent herein to survey and identify the boundaries of the private common pathway and drainage land measuring 72 ft in length (from North to South) and 3 ft in breadth (from East to West) situate at Kumarasamy Street, Thimiri, Arcot Taluk, Vellore District and fix boundary stones.

WEB COPY

For Petitioner : Mr.S.Arun Kumar  
For RR1 & 2 : Mr.MD.Ilayaraja  
Government Advocate  
For R3 : Mr.R.Govindasamy  
For R5 : Mr.P.Mani  
For R4 : Died

O R D E R

The petitioner has sought for a mandamus directing the second respondent herein to survey and identify the boundaries of the private common pathway and drainage land measuring 72 ft in length (from North to South) and 3 ft in breadth (from East to West) situate at Kumarasamy Street, Thimiri, Arcot Taluk, Vellore District and fix boundary stones.

2. The case of the petitioner is that there is a private common pathway and drainage in between the house of the petitioner and the house of the respondent Nos.4 and 5, measuring 72 ft in length (from North to South) and 3 ft in breadth (from East to West) situate at Kumarasamy Street, Thimiri, Arcot Taluk, Vellore District and the same is being used as their common pathway and also for drainage purpose. The said piece of land belongs to the petitioner and his family members. While so, the respondents 4 and 5 have been trying to encroach the said private common pathway and drainage to utilize the same within their house construction area. Hence, the petitioner has approached the second respondent to measure the above said private common pathway and drainage land and also paid necessary charges for the same. In this regard, the petitioner has submitted a representation to the respondents 1 to 3. However, there has been no action on the representation till date. Hence, this petition.

3. Heard both sides and perused the materials available on record.

4. It is stated that the fourth respondent is dead and the fifth respondent is the son of the deceased fourth respondent. The same is recorded.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the second respondent to survey and identify the boundaries of the private common pathway and drainage land and pass appropriate orders on merits and in accordance with law, after issuing notice to the petitioner as well as the fifth respondent herein and also any other person interested in this regard and by affording them an opportunity of personal hearing or virtual hearing or otherwise, considering their written objections and after verifying the relevant documents, within a period of four weeks from the date of receipt of a copy of this order.

6. It is made clear that the second respondent should not insist on the revised payment of charges for executing the above said exercise.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

8. Post the matter on 05.01.2021 'For Reporting Compliance'.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rsi  
To

1.The District Collector,  
Vellore,  
Vellore District.

2.The Tahsildar,  
Arcot,  
Vellore District.

3.The Executive Officer,  
Thimiri Panchayat Union,  
Arcot Taluk,  
Vellore District.

W.P.No.29450 of 2013  
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