

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8753 of 2020

C.Rajambal

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Sankari Taluk, Salem District.

2.The Tahsildar, Tahsildar Office,
Sankari Taluk, Salem District.

3.The Deputy Director,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai - 600 002.

4.The Executive Officer,
Edanganasalai Municipality,
Sankari Taluk, Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to permit the petitioner to use the portion of the property at S.No.635/3 to an extent of 450 sq.ft. at Edanganasalai Village, Sankari Taluk and Salem District as pathway by considering the petitioner's representation dated 25.02.2020.

For Petitioner : Mr.N.Vijaya Basker for M/s.Law Vision

For Respondents: Mrs.P.Rajalakshmi
Additional Government Pleader

O R D E R

Mrs.P.Rajalakshmi, learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the time of admission itself.

2.Seeking a direction to the respondents to permit the

petitioner to use a portion of the property in S.No.635/3 measuring to an extent of 450 sq.ft. at Edanganasalai Village, Sankari Taluk, Salem District, as pathway by considering her representation dated 25.02.2020.

3.It is the case of the petitioner that as per the partition decree dated 30.03.2019 passed by the learned District Munsif, Sankari in O.S.No.5 of 1996, 'A' schedule property viz., S.No.635/1 to an extent of 21,909 sq.ft. was allotted to the petitioner's husband and the same was registered as Document No.4888 on the file of the Sub Registrar Office, Magudanchavadi. After his death, the petitioner is in possession of the said property. In terms of the oral agreement, the land in S.No.635/3 belonging to one Ellapanachari, measuring to an extent of 450 sq.ft. has been using as a pathway to reach the main road by the petitioner, her ancestors and the other land owners. At present, the said land in S.No.635/3 vests with the Edanganasalai Municipality and the usage of the said portion as pathway is denied. Hence, the petitioner made a representation on 25.02.2020 to the respondents in this regard. Since the said representation has not been considered so far, she has come up with the present writ petition.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader taking notice for the respondents, who, on instructions, submitted that on the basis of the petitioner's representation, enquiry has already been conducted. However, due to COVID-19 situation, the respondents are yet to pass orders.

5.In view of the submission so made by the learned Additional Government Pleader appearing for the respondents, this Court directs the respondents to pass appropriate orders, on the basis of the enquiry conducted, if not already passed, within a period of six weeks from the date of uploading the copy of this order in the website.

6.The writ petition is accordingly disposed of. No costs.

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Sd/-

Assistant Registrar (MDU)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Revenue Divisional Officer,
Sankari Taluk, Salem District.
- 2.The Tahsildar, Tahsildar Office,
Sankari Taluk, Salem District.
- 3.The Deputy Director,
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No.807, Anna Salai,
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- 4.The Executive Officer,
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BR (CO)
GN(17/08/2020)



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