

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.10.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

WP.NO.14526 OF 2020

P.Chinnaraj

.. Petitioner

Versus

1. The District Collector,
Dharmapuri District.
2. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
3. The Revenue District Officer,
Pennagaram Division,
Dharmapuri.
4. The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.
5. Palanisamy
6. Murugesan

...Respondents

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment in S.No.387/8 of Nagamarai Village, Pennagaram Taluk, Dharmapuri made by the respondents 5 to 6 herein by removing fence and restore the pathway based on the petitioner's representation dated 10.08.2020.

For Petitioner : Mr.M.Selvam

For Respondents: Mr.Kamalesh Kannan
Government Advocate for R1 to R4

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The petitioner filed O.S.No.169 of 2020 on the file of the Court of Subordinate Judge, Dharmapuri along with Jayakodi against Ponraj, Kovindaraj, Manikkam, Thamaraiselvan, Saravanan, praying for partition and separate possession of the landed property in Nagamarai Village in S.No.294/7, admeasuring an extent of 0.50 acres along with right of pathway and the said Suit came to be decreed on 14.02.2011.

2. The learned counsel appearing for the petitioner would submit that the petitioner in order to have access to the land, which was the subject matter of the said Suit, is using a Grama Natham pathway in S.No.387/8 of Nagamarai Village. The private respondents had caused encroachments upon the same. In this regard, he has also submitted a representation dated 10.08.2020 to the office of the 2nd respondent, who in turn sent a communication dated 28.08.2020 to the 4th respondent in O.Mu.No.12233/2020/tha3 to cause enquiry and inform the petitioner and despite that no action has been taken and hence prays for appropriate orders.

3. Mr.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of the respondents 1 to 4 and on instructions would submit that the land in S.No.387/8 is classified as 'Village Natham' and there are no encroachments and however, the respondents 5 and 6 are in occupation of some portion of the land in S.No.388/A134, which is also classified as 'Grama natham' and as such prays for disposal of this Writ Petition.

4. In the light of the submissions made by the learned Government Advocate appearing for the official respondents, on instructions, that there are no encroachments in S.No.387/8 of Nagamarai Village, no further orders are necessary. However, the respondents 2 to 4 are directed to regularly cause inspection and see to that there are no encroachments in respect of the said land.

5. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

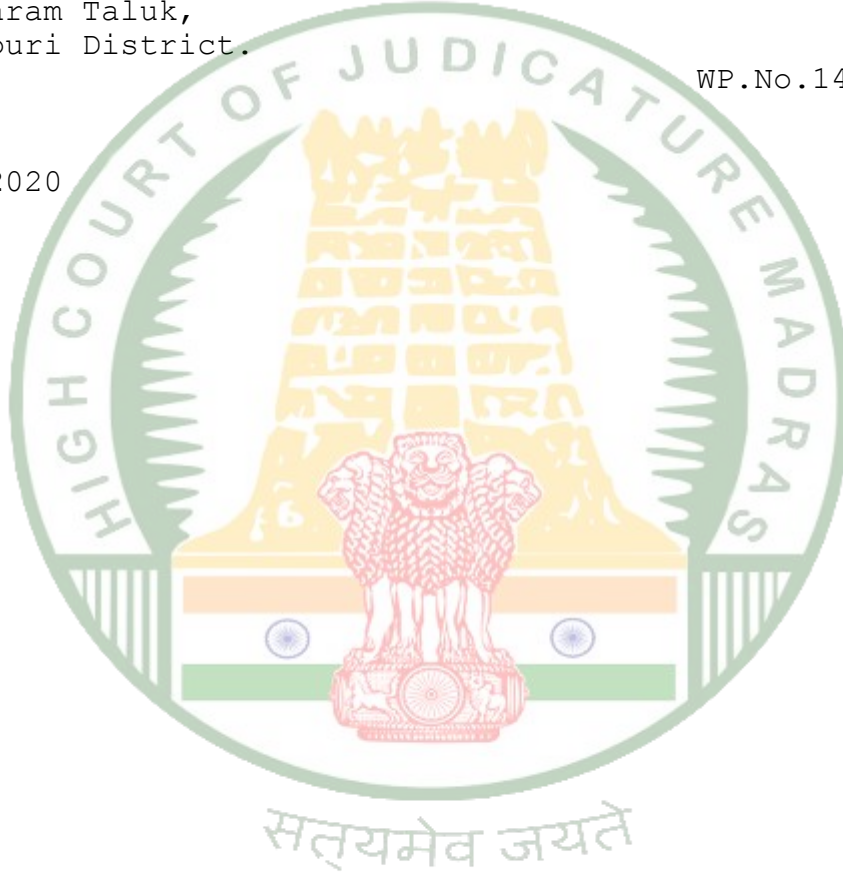
sk

To

1. The District Collector,
Dharmapuri District.
2. The District Revenue Officer,
Dharmapuri District, Dharmapuri.
3. The Revenue District Officer,
Pennagaram Division, Dharmapuri.
4. The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

WP.No.14526 of 2020

RSV(CO)
CS/02/12/2020



WEB COPY