

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

WP.No.15730 of 2020

Dhanapal .. Petitioner

Vs

1.The Revenue Divisional Officer, .. Respondents
Namakkal.

2.The Thasildar,
Rasipuram,
Namakka District.

3.The Commissioner,
Rasipuram Municipality Corporation,
Namakkal District.

4.VijayaKumar

Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents 1 and 2 to cancel the illegal patta stands in favour of the 4th respondent for encroached common pathway and subsequently direct the respondents to remove the encroachment put forth by the 4th respondent on common pathway comprised in town survey no.43/0 situated at Rasipuram town, Namakkal District pursuant to his representation dated 25.08.2020.

For Petitioner : Mr.A.G,Narasimhan

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader for R1 to R3

ORDER

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

This Writ Petition is styled as a Public Interest Litigation and the petitioner claims to be a practicing Advocate before the Court of Subordinate Judge at Rasipuram and according to him, he is a resident of Door No.1/38A, Kaatur Road, Rasipuram, Namakkal District.

2. The learned counsel appearing for the petitioner would submit that there exist a common pathway in his street, which leads to his residence and other residences located in T.S.No.43/1 situated at Rasipuram Town. The 4th respondent had managed to get Patta by furnishing false particulars and also put up an unauthorised construction and it is also obstructing the common pathway. The petitioner in this regard has submitted representations dated 06.03.2020 as well as 25.08.2020 and despite receipt and acknowledgment, no action has been taken and therefore, he is constrained to approach this Court by filing this Writ Petition.

3. A perusal of the materials would *prima facie* disclose that admittedly, the 4th respondent is the owner of the Ryotwari land in Block No.0011/ S.F.No.43/0, corresponding to old S.F.No.306/3P admeasuring an extent of 3 ares (84 sq.mts). Though it is the submission of the learned counsel appearing for the petitioner that suppressing the materials facts, he has managed to get Patta in respect of the said land, a perusal of his representations dated 06.03.2020 and 25.08.2020, submitted by the petitioner has bereft of any material particulars and therefore, no useful purpose would be served by directing the concerned official respondents to consider and dispose of the said representations.

4. This Court, however taking into consideration the grievance expressed by the petitioner, permits him to avail the remedies under the Right to Information Act, before the concerned Public Information Officer, to know about the fate of his representations dated 06.03.2020 and 28.02.2020 and if he is advised, he may do so.

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

-Sd/-

Assistant Registrar (CS III)

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Sub Assistant Registrar

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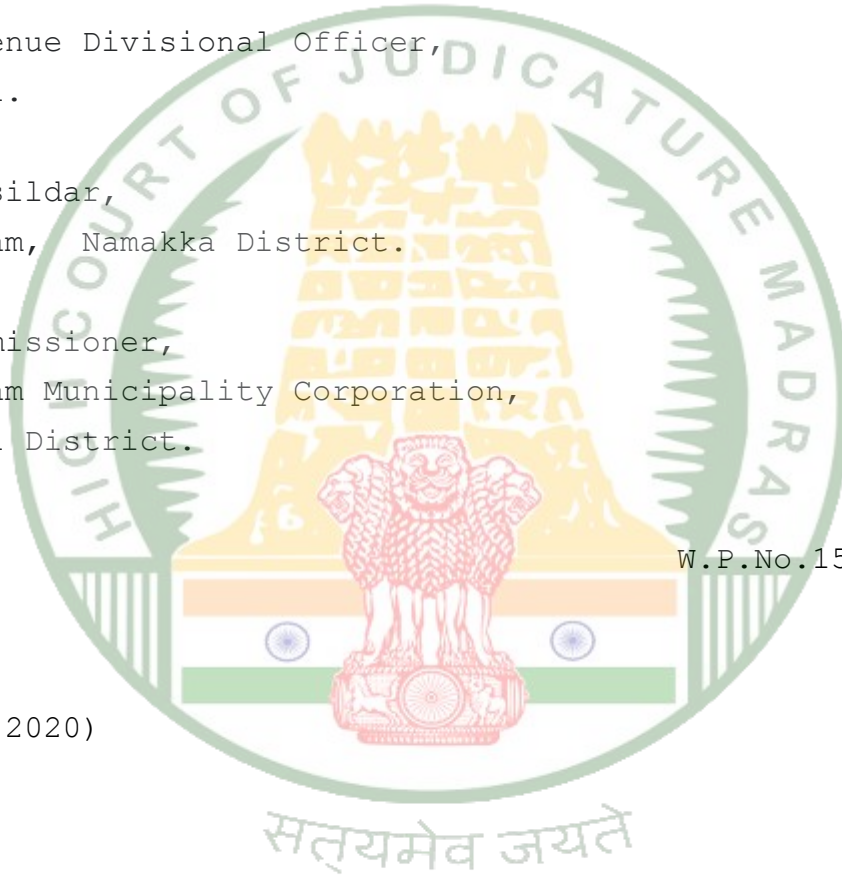
1.The Revenue Divisional Officer,
Namakkal.

2.The Tahsildar,
Rasipuram, Namakka District.

3.The Commissioner,
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SSV (CO)
UM (15.12.2020)



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