

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.18321/2020

S.Venkata Balakrishnan ... Petitioner

Versus

1.The Tahsildar
Killpennathur Taluka
Killpennathur,
Tiruvannamalai District.

2.The Inspector of Police
Killpennathur Police Station
Killpennathur,
Tiruvannamalai District.

3.Mr.D.Elumalai

4.Mr.Sheik Aniff ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to implement the orders passed by him in A1/553/2017 dated 26.07.2019 for removal of the encroachments made by the 3rd and 4th respondents in the Cart Track, meant for public purpose and usage including the ingress and egress of the petitioner forthwith without any further delay.

For Petitioner : Mr.K.A.Mariappan

For RR 1 & 2 : Mr.S.Kamalesh Kannan
Government Advocate

ORDER

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

(1)By consent, the writ petition is taken up for final disposal
and is disposed of by this order.

- (2) Mr. S. Kamalesh Kannan, learned Government Advocate accepts notice on behalf of respondents 1 and 2.
- (3) The petitioner, on an earlier occasion, filed WP.No.14267/2017 against the very same respondents, praying for issuance of a writ of mandamus, directing the official respondents to consider the representation dated 15.04.2017 and give a disposal in accordance with law.
- (4) The grievance expressed by the petitioner is that despite the petitioner's representation dated 15.04.2017, the 1st respondent herein who was arrayed as the 3rd respondent in WP.No.14267/2017, did not demarcate the cart track. This Court, taking into consideration the said facts and circumstances, had directed the 1st respondent herein / 3rd respondent therein to consider the petitioner's representation dated 15.04.2017 and give a disposal in accordance with law, after putting on notice the private respondents therein. Accordingly, the 1st respondent has done the said exercise and vide proceedings dated 26.07.2019 bearing No.A1/553/2017, has arrived at the conclusion that the lands in occupation of the opposite party in Somasipadi Village S.No.38, 38/5, 38/6A1 and the cart tract in S.No.49/2 are used by the general public as a pathway and therefore, directed the private respondents to restore the same within a period of thirty days.
- (5) The learned counsel for the petitioner would submit that though the said proceedings of the 1st respondent is dated 26.07.2019, it is yet to be put into effective implementation and hence, prays for appropriate orders.
- (6) The Court heard the submissions of Mr. S. Kamalesh Kannan, learned Government Advocate appearing for respondents 1 and 2 who would submit that appropriate proceedings would take place subject to legal interdict, if any.
- (7) This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to take note of his earlier proceedings dated 26.07.2019 in No.A1/553/2017 and subject to legal interdict and any interim order if any, shall take immediate, necessary and appropriate steps and in accordance with law and complete the same as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order/uploading of the order in the website and communicate the decision taken, to the petitioner as well as to respondents 3 and 4.

(8)The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AP
To

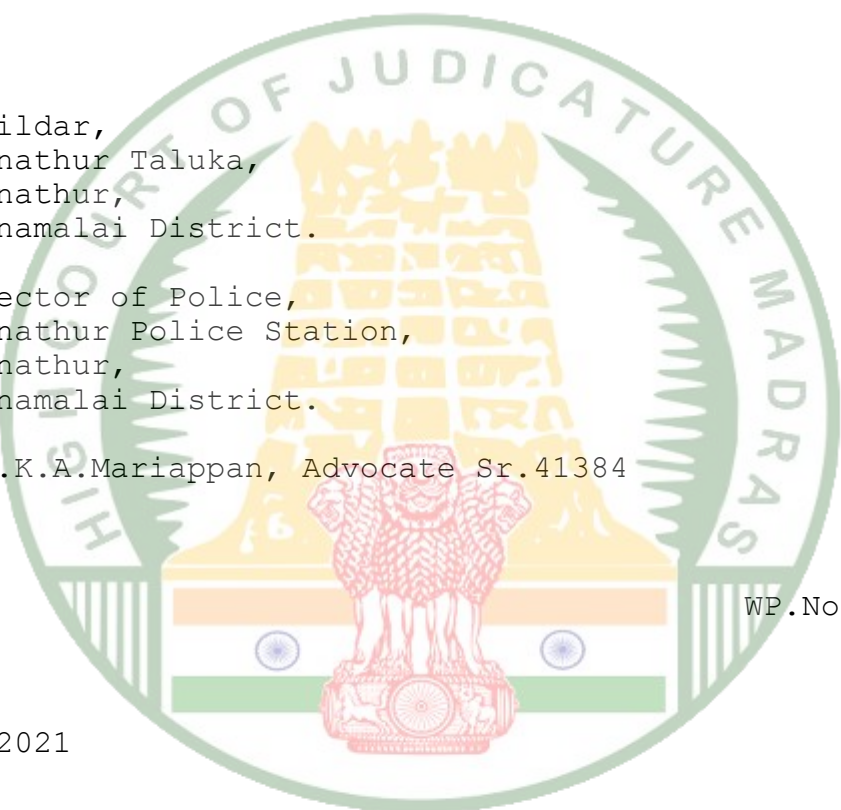
1.The Tahsildar,
Killpennathur Taluka,
Killpennathur,
Tiruvannamalai District.

2.The Inspector of Police,
Killpennathur Police Station,
Killpennathur,
Tiruvannamalai District.

+1cc to Mr.K.A.Mariappan, Advocate Sr.41384

WP.No.18321/2020

kj[co]
srg 08/01/2021

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the lion capital is a red wheel (Chakras) and a red lotus. The entire emblem is set against a background of horizontal stripes (orange, white, green) with blue Ashoka Chakras. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circle around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

सत्यमेव जयते

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