

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.19342/2020 & WMP.No.23985/2020

Mr.R.Kathirvel

.. Petitioner

Versus

1.The District Collector  
Kallakurichi District,  
Kallakurichi.

2.The Revenue Divisional Officer  
Thirukovilur Taluk,  
Villupuram District.

3.The Tahsildar  
Ulundurpet,  
Kallakurichi District.

4.The Panchayat President  
Colony Murugan Koil Street  
Thirunavallur & Post 607 204  
Ulundurpet Taluk, Kallakurichi District.

5.Mr.S.Natarajan

.. Respondents

**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing 1 to 3 respondents to consider the representation made on 20.08.2020 and consequently to remove the sewage and the encroachment in the public pathway bearing S.No.300/19, North Street, Thirunavallur Village, Ulundurpet Taluk, Kallakurichi District.

For Petitioner : M/s.Nathan and Associates

For R1 to R3 : Mr.P.S.Sivashanmugasundaram  
Special Government Pleader

**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.P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of respondents 1 to 3.

(3)The petitioner would state that his forefathers were in possession and enjoyment of the property in S.No.110/4 of Tirunavallur Village, Ulundurpet Taluk, Kallakurichi District and as of now, he is in

possession of the property. It is the specific case of the petitioner that the 5th respondent had encroached upon the land in S.No.300/19 which is classified as "pathway" and the representations submitted in this regard, did not invoke any kind of response and therefore, he is constrained to approach this Court by filing this writ petition.

(4)The learned counsel for the petitioner has invited the attention of this Court to the Memo of the 2nd respondent dated 30.12.2014 in Na.Ka.A3/7580/2014 and would submit that in the said communication, the Executive Officer of Tirunavallur Village was directed to take appropriate action and further points out that as per the information furnished by the 3rd respondent under the Right to Information Act, vide communication dated 28.10.2020 in O.Mu.No.A3/4226/2020, the land in S.No.300/19 is classified as "lane" as per the Village Accounts and as such, there cannot be any impediment on the part of the respondents 3 and 4 to remove the encroachment caused by the 5th respondent and prays for appropriate orders.

(5)Mr.P.S.Sivashanumugasundaram, learned Special Government Pleader appearing for respondents 1 to 3 would submit that depending upon the result of the survey and inspection, necessary steps would be taken in accordance with law.

(6)This Court has considered the rival submissions and also perused the materials placed before it.

(7)Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representations dated 03.08.2020 and 20.08.2020 respectively or in this writ petition, directs respondents 3 and 4, with the aid of the jurisdictional Surveyor and the relevant records, cause inspection of the lands in S.No.300/19 in Tirunavallur Village, and if the result of the inspection discloses any obstruction / encroachment / unauthorised construction on the said Survey Number which is said to be a lane, shall take necessary, immediate and appropriate action in accordance with law, by also adhering the principles of natural justices and complete the said exercise within a period of ten weeks from the date

of receipt of a copy of this order / uploading the order in the website and communicate the decision taken, to the petitioner, 5th respondent as well as any other person/s / encroacher/s if any.

(8)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

[MSNJ] [RHJ]  
21.12.2020

AP  
Internet: Yes

To

- 1.The District Collector  
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Kallakurichi.
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Villupuram District.
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M.SATHYANARAYANAN, J.,  
AND  
R.HEMALATHA, J.,

AP



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