

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.35360/2019

J.Raja Ram

.. Petitioner

Versus

- 1.The District Collector
Kancheepuram District.
- 2.The Tahsildar
Chengalpattu Taluk
Kancheepuram District.
- 3.The Revenue Inspector
Palur Circle, Chengalpattu Taluk
Kancheepuram District.
- 4.UNO Hospitality Services Pvt Ltd
Rep.by the Managing Director
Pandian, S/o.Palaniappan
T1002, Metro Zone, Anna Nagar
Chennai - 40.

.. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of mandamus directing the 2nd respondent herein to dispose of the petitioner's representation dated 05.07.2019 seeking the 2nd respondent to do all necessary actions according to law to put the strip of land in S.No.187/2A, No.71, Chettipuniyam Village, Chengalpattu Taluk, Kancheepuram District, belonging to the 4th respondent herein open to the public as access way in view of the proceedings of the 3rd respondent dated 09.01.2019.

For Petitioner : Mr.G.Mageshkumar
For R1 to R3 : Mr.A.N.Thambidurai, Spl.GP

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.
- (2) The writ petition is styled as a public interest litigation filed by a resident of Puliyambakkam Village, Chengalpattu Taluk, Kancheepuram District and he would state among other things that the landed property in S.No.187/2A of Chettipunniyam Village, Chengalpattu Taluk, Kancheepuram District, belongs to the 4th respondent and despite that, the people of the said Village are using the above said pathway as Cart track to reach the burial ground and such usage is in existence for more than 30 years. The grievance expressed by the petitioner is that all of a sudden, the 4th respondent started putting up a compound wall and thereby, obstructing the user of the said pathway and in this regard, a representation dated 05.07.2019 was submitted by the petitioner to the Assistant Director of Town Panchayat, Kancheepuram and it was acknowledged by the 1st respondent and other Authorities.
- (3) The learned counsel for the petitioner has drawn the attention of this Court to the Memo dated 14.07.2019 in O.Mu.No.18418/2019/A1 sent by the Office of the 1st respondent to the 2nd respondent and would submit that despite a direction given to the 2nd respondent to look into the petition and inform the action taken, nothing is moving forward and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.
- (4) The Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 and also perused the materials placed before it.
- (5) A perusal of the Village 'A' Register would disclose that S.No.187/2 is classified as Ryotwari Poramboke and the person who is in possession is one K.Munusamy Naicker and the actual usage is given as 'Nilaviyal Paathai' and even according to the petitioner, it is the land of the 4th respondent and though it is averred by the petitioner that it is used as a pathway/cart track, no supporting documents have been produced in support of the said claim. This Court is of the prima facie view that the petitioner is not having any vested legal right to claim such a usage despite his admission that the land in question, belongs to the 4th respondent and as such, the present writ petition is not maintainable. However, it is open to the petitioner to invoke the provisions of the Right to Representation Act, for the purpose knowing the action being taken by the 2nd respondent in compliance of the Memo dated

14.07.2019 issued by the office of the 1st respondent.
(6)The writ petition stands dismissed subject to the above observation. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

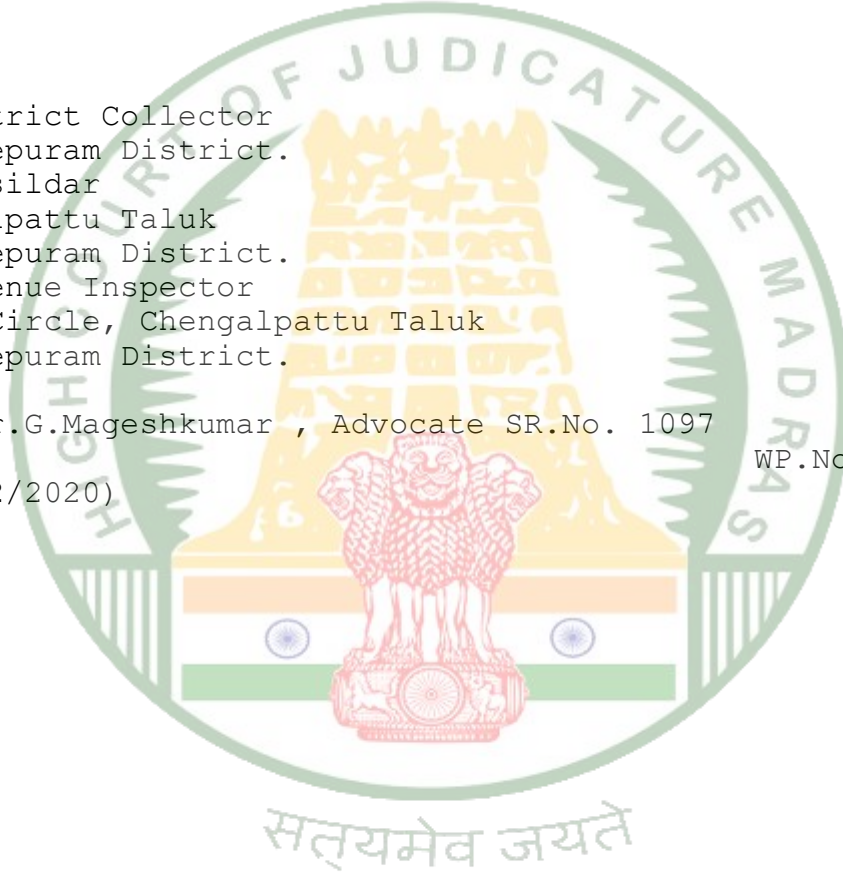
AP
To

- 1.The District Collector
Kancheepuram District.
- 2.The Tahsildar
Chengalpattu Taluk
Kancheepuram District.
- 3.The Revenue Inspector
Palur Circle, Chengalpattu Taluk
Kancheepuram District.

+1cc to Mr.G.Mageshkumar , Advocate SR.No. 1097

WP.No.35360/2019

A.SK(06/02/2020)



WEB COPY