

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.30803 of 2019

M.Mathan Kumar

... Petitioner

Vs

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Block Development Officer,
Maduranthagam,
Kancheepuram District.

3.The Tahsildar,
Maduranthagam Taluk,
Kancheepuram District.

... Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of mandamus directing the respondents to lay an approach road to reach the burial/cremation ground situate in Survey No.210 in Thadangkuppam Village, Maduranthagam Taluk, Kancheepuram District, on the basis of the petitioner's representation dated 02.03.2019 within a time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondents

Mr.R.Vijayakumar, AGP for R1
: Mr.A.N.Thambidurai, Spl GP
for R2

ORDER
(Order of the Court was made by M.M.SUNDRESH, J)

The petitioner has filed this public interest litigation seeking a direction to the respondents to lay an approach road to reach the burial/cremation ground.

2. In the status report filed by the third respondent/Tahsildar, it has been stated as follows:-

".. Accordingly, the land owners indicated in S.Nos.1,2,3,4,5,6,8,9,10,13 and 14 gave their statement duly intimating their consent to form pathway to the burial ground through their patta lands. The land owners indicated in Sl.No.7,11,12,15 and 16 did not give their statement. However, efforts are being taken to persuade them also to give their consent to utilize their respective patta lands for the formation of pathway to burial ground. In the meanwhile, a detailed report on the outcome of the meeting between the villagers and the landowners has been sent to the 1st respondent, in order to issue direction to the 3rd respondent for taking follow up action for the formation of pathway to burial ground in the aforesaid village, as per Lr.No.940/2019/B2, dated 11.01.2020. As a matter of fact in FMB there is a pathway mark indicated for a time immemorial (copy enclosed)."

3. The aforesaid statement is preceded by the opportunities given. It appears that even in the FMB Sketch the pathway has been indicated. If that is the case, nobody can claim a right over it. It is obviously a public pathway.

4. The learned Additional Government Pleader appearing for the first respondent submitted that there are standing crops and, therefore, some time may be granted to remove and clear them to bring the pathway to its original position.

5. We may note that this situation has occasioned due to the failure of the respondents in taking appropriate action. However, considering the submissions made, we are inclined to grant eight weeks time from the date of receipt of a copy of this order to clear the pathway in accordance with the FMB Sketch as well as village map and see to it that no more encroachment is made. This time is granted not only for carrying

out reconstruction of the pathway which has been obliterated, but also to remove the encroachments, so as to facilitate the persons who have raised grievance. We make it clear that the respondents should undertake the exercise of laying down proper road as directed herein above.

6. In view of the above, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (ADI-MDU)

//True Copy//

Sub Assistant Registrar

ssm
To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Block Development Officer,
Maduranthagam,
Kancheepuram District.
- 3.The Tahsildar,
Maduranthagam Taluk,
Kancheepuram District.

+1cc to the Government Pleader SR.19279

JP (CO)
CB(28/05/2020)

W.P.No.30803 of 2019

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