



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.9657 of 2020

S.K.P.Kuttralingam

... Petitioner

Vs.

1.The District Collector,
District Collector Campus,
Virudhunagar.

2.The Tahsildar,
Tahsildar Office,
Rajapalayam Taluk,
Virudhunagar.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to remove the bund created by him in the petitioner's pathway land comprised in Old Survey No.14/2 Part, New Town Survey No.220/2 Part Town Survey Block No.21, Town Survey Ward-E in Rajapalayam Municipality and restore the same to its original position and consequently direct the respondents to make clear demarcation of his land after effecting survey based on his title deed and revenue records.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.R.Murugan
Additional Government Pleader

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner and his brothers are said to have purchased the landed property in Survey No.825/2, admeasuring to an extent of 1.40 Acres, vide a registered sale deed bearing Document No.4493 of 2016, dated 14.07.2016, registered on the file of the Sub-Registrar, Srivilliputhur and the petitioner and his brothers claim to be in possession and enjoyment of the said property.



2. It is the further case of the petitioner that he and his brothers also purchased half share of the pathway out of 770.83 sqft of land comprised in Town Survey No.220/2 Part, vide registered sale deed, bearing Document No.3320 of 2016, from one Vasudevan, in order to have access to their land comprised in Survey No.825/2. It is the specific case of the petitioner that the said pathway is the only access to reach the land in Survey No.825/2 of Pudupalayam, Rajajapalayam Taluk.

3. The grievance expressed by the petitioner is that all of a sudden, the second respondent came to the petitioner's pathway land and put a bund to the nearby water body and restricted his pathway and immediately, the petitioner has submitted a detailed representation dated 06.05.2019 to the respondents, followed by a legal notice dated 07.05.2020 and despite receipt and acknowledgment, the obstruction has not been removed and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4. The learned Counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents, especially the photographs and would submit that if at all, the official respondents claim that the pathway is a part of the water body/course, they have to take action in accordance with law and cannot expect to take the land on their own hands and cause obstruction and hence, prays for appropriate orders.

5. Mr.R.Murugan, learned Additional Government Pleader, accepts notice on behalf of the respondents and would submit that the process of survey is being taken and depending upon the result of the same, further action would follow.

6. This Court has considered the rival submissions and perused the materials placed on record.

7. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim as projected by the petitioner either in his representation or in this writ petition, directs the respondents 1 and 2 to consider and dispose of the representation of the petitioner dated 06.05.2019, followed by a legal notice dated 07.05.2020 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.



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

Sd/-

Deputy Registrar(Accounts)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
District Collector Campus,
Virudhunagar.
- 2.The Tahsildar,
Tahsildar Office,
Rajapalayam Taluk,
Virudhunagar.

W.P. (MD) No. 9657 of 2020
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TR(02.09.2020) 3P 3C