



WEB COPY

W.P.(MD)No.12134 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) .No.12134 of 2020

Karuppasamy

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi Collector Office,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
R.D.O Office, Kovilpatti,
Thoothukudi District.
- 3.The Tahsildar,
Tahsildar Office, Ettayapuram Taluk,
Thoothukudi District.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.
- 5.Alagumuthu
- 6.Vairavasamy

... Respondents

Prayer:The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 5 and 6 in Public Cart Pathway at Survey Nos.126/5, 128/2, 129/4, 132/2, 132/3 in Katturamanpatti Village Group, Ettayapuram Taluk, Thoothukudi District based on the petitioner's representation, dated 05.08.2020, subsequent representation on 02.09.2020, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

For R-1 to R-4 : Mr.B.Bagavathi,
Government Advocate

**O R D E R**

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

The petitioner engaged himself in agricultural operations along with his family in respect of the agricultural lands comprised in Survey Nos.135, 136 and 149 at Katturamanpatti Village Group, Ettayapuram Taluk, Thoothukudi District and according to him, there exists a public cart track in Survey Nos.126/5, 128/2, 129/4, 132/3 and 133/3, at Katturamanpatti Village Group, Ettayapuram Taluk, Thoothukudi District and the private respondents had caused obstruction of the same by fencing both the edges of the public cart track and the petitioner in this regard, has submitted a representation dated 06.08.2020 to the third respondent and marked a copy to the second respondent, who in turn, sent a memo dated 17.08.2020 in Na.Ka.Aa2/4417/2020, to the third respondent, to do the needful and it is also followed by a representation dated 02.09.2020 and despite receipt and acknowledgement, no action has been taken so far and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

2. Mr.B.Bagavathi, learned Government Advocate, accepts notice on behalf of the respondents 1 to 4.

3. Though the petitioner prays for a larger relief, this Court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the third respondent to cause inspection of the lands comprised in Survey Nos.126/5, 128/2, 129/4, 132/3 and 133/3 at Katturamanpatti Village Group, Ettayapuram Taluk, Thoothukudi District, with the aid of the relevant revenue records / A - Register and the result of the inspection discloses encroachments either by the private respondents or by somebody else, shall take immediate and necessary action in accordance with law by adhering to the principals of natural justice and complete the said exercise, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner, private respondents or to any other person concerned.

This writ petition stands disposed of accordingly. No Costs.

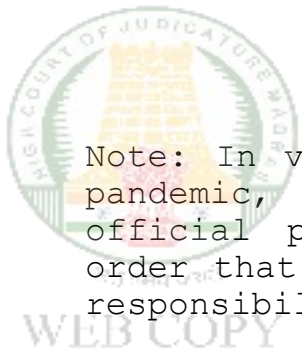
Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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,
Thoothukudi Collector Office,
Thoothukudi District.
 - 2.The Revenue Divisional Officer,
R.D.O Office,
Kovilpatti,
Thoothukudi District.
 - 3.The Tahsildar,
Tahsildar Office,
Ettayapuram Taluk,
Thoothukudi District.
 - 4.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.
- +1 CC to M/s.Special Govt.Pleader (SR-17738[F] dated 22/09/2020)

Order in
W.P (MD) No.12134 of 2020
21.09.2020

pm
SDS (01.10.2020) 3P-6C