

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.2169 of 2021

R.Duraisamy

... Petitioner

Vs.

1.The District Collector,
Salem District,
Salem.

2.The District Revenue Officer,
Collectorate,
Salem.

3.The Revenue Divisional Officer,
Attur Taluk - 636 102,
Salem District.

4.The Thasildar,
Attur Taluk - 636 102,
Salem District.

5.The Block Development Officer,
Attur Panchayat Union,
Attur.

6.Varadarajan

7.A.Sakthivel

8.A.Velmurugan

9.A.Karuppananan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents No. 1 to 5 to conduct a field inspection of the portion of Nilaviyal pathway in survey No. 110 / 4A1 and 112 / 2B in Malliyakarai Village, Attur Taluk, Salem District which has a width of about 53 feet in the north and 32 feet in the south and to take necessary steps to remove the encroachments made in the said pathway based on the petitioner's representation dated 02.12.2019 and restore the said pathway to its original state and to revamp the said pathway with blue metal / thar so as to avoid accidents.

For Petitioner : Mr.K.R.Samratt

For R1 to R5 : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)
(Through Video Conferencing)

Learned counsel appearing for the petitioner, on instructions, would submit that the petitioner is not an encroacher upon the public land/land belonging to the local body/waterway or watercourse, and the said submission, on instructions, is placed on record.

2.The petitioner claims to be an agriculturalist, cultivating the lands comprised in Survey Nos.17/2, 17/4, 18/4, 18/7, 18/8, 19/7 in Arasanatham Village, Attur Taluk, Salem District, and according to him, as per the A-Register of Malliyakarai Village, Survey No.112/2B is classified as "Nilaviyal Pathai" (landmark road) and the private respondents own their agricultural lands abetting the portion of the land in Survey No.110/4A1, which is classified as "Nilaviyal Pathai Sathura Kinaru", as well as Survey No.112/2B, which is also classified as "Nilaviyal Pathai" (landmark road).

3.The learned counsel appearing for the petitioner would submit that the petitioner in this regard has submitted a representation, dated 02.12.2019, to the 1st respondent, who in turn, vide communication dated 16.12.2019 in Oo.Mu.35601/2019/K4, has directed the 3rd respondent to cause inspection in accordance with rules and take appropriate action and inform the same to the petitioner, however, despite a lapse of one year and odd, no action whatsoever, has been taken, and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4.Mr.R.Vijayakumar, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 5, and would submit that appropriate directions may be given to the 3rd respondent to act on the above cited communication of the 1st respondent, dated 16.12.2019.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.This Court, taking into consideration the above facts and circumstances, without going into the merits of the claim projected by the petitioner either in his representation or in the present writ petition, directs the 3rd respondent to act upon the communication of the 1st respondent, dated 16.12.2019, in accordance with law and also by adhering to the principles of natural justice, and shall complete the

said exercise within a period of ten weeks from the date of receipt of a copy of this order/uploading of this order in the website and communicate the decision taken to the petitioner as well as to the respondents 6 to 9.

This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mkn

To

- 1.The District Collector,
Salem District,
Salem.
- 2.The District Revenue Officer
Collectorate,
Salem.
- 3.The Revenue Divisional Officer,
Attur Taluk - 636 102,
Salem District.
- 4.The Thasildar,
Attur Taluk - 636 102,
Salem District.
- 5.The Block Development Officer,
Attur Panchayat Union,
Attur.

+1cc to Mr.K.R.Samratt, Advocate, S.R.No. 6177

W.P.No.2169 of 2021

KK(CO)
GN(22/02/2021)