

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 26.02.2021
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN
WP.No.4362/2021

R.Revathy

.. Petitioner

Versus

1. The District Collector,
Collector Office, Ariyalur.
 2. The Revenue Divisional Officer
Ariyalur.
 3. The Tahsildar
Ariyalur.
 4. The Block Development Officer
Periya Thirukkonam Post,
Ariyalur Taluk & District.
 5. Subramanian
 6. Kaliyamoorthy
- .. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachments made in Survey No.128, Periyathirukkonam Village, Ariyalur Taluk and District and restore the cart track by considering the petitioner's representation dated 03.06.2020.

For Petitioner : Mr.D.R.Arun Kumar
For RR 1 to 3 : Mr.R.Vijayakumar
Additional Government Pleader
For R4 : Mr.K.S.Suresh
Government Advocate

ORDER

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

(1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.

(2)Mr.R.Vijayakumar, learned Additional Government Pleader
accepts notice on behalf of respondents 1 to 3 and

Mr.K.S.Suresh, learned Government Advocate accepts notice on behalf of the 4th respondent.

- (3)The petitioner claims to be the pattadhar of the lands in New S.No.141/9B Old S.No.141/9 [Part] admeasuring to an extent of 00140 ares at Periyathirukkonam Village, Ariyalur Taluk and District and according to the petitioner, for her and her mother-in-law, the only access to reach their lands is through the lands in S.Nos.127 and 128 which are classified as 'cart track' as per the 'A' Register of the said village.
- (4)The learned counsel for the petitioner would submit that the private respondents/respondents 5 and 6 had encroached upon the said pathway and started putting up an unauthorised construction and in this regard, the petitioner has submitted a representation dated 03.06.2020 to the 1st respondent and despite receipt and acknowledgment, no action, whatsoever, has been taken and therefore, the petitioner is constrained to approach this Court by filing this writ petition.
- (5)The Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents 1 to 3 and Mr.K.S.Suresh, learned Government Advocate appearing for the 4th respondent and also perused the materials placed before it.
- (6)This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in her representation or in this writ petition, directs the respondents 3 and 4 to cause joint inspection of the lands in S.Nos.127 and 128 as well as the lands of the petitioner and her mother-in-law, by putting them on prior notice and if the result of the inspection reveals any infraction / obstruction combined with unauthorised construction, shall take immediate, necessary and appropriate steps/action in accordance with law by also adhering to the principles 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 / uploading of the order in the website and communicate the decision taken, to the petitioner as well as the private respondents.
- (7)The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector,
Collector Office, Ariyalur.
2. The Revenue Divisional Officer
Ariyalur.
3. The Tahsildar
Ariyalur.
4. The Block Development Officer
Periya Thirukkonam Post,
Ariyalur Taluk & District.

+1cc to Mr.N.Balakrishnan, Advocate, S.R.No.12462.

WP.No.4362/2021

JP-II(CO)
CSR 18/03/2021



WEB COPY