

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM

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

W.P.No.7932 of 2021

A.Marimuthu

.. Petitioner

Versus

1.The District Collector,
Office of District Collector,
Villupuram, Villupuram District.

2.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Tindivanam, Villupuram District.

3.The Tahsildar,
Gingee Taluk Office,
Gingee,
Villupuram District.

4.The Block Development Officer,
Block Development Office,
Gingee, Villupuram District.

5.G.Palani

.. 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 take necessary steps to remove the encroachments made by the 5th respondent herein, made on the pathway porombokku land in S.F.No.71 of Vadaputhur Village, Gingee Taluk, Villupuram District and enable free access in the said pathway porombokku.

For Petitioner :Mr.V.R.Appaswamee

For RR 1 to 4 :Mr.S.Kamalesh Kannan
Government Advocate

ORDER

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

The petitioner claims to be the owner of the landed property admeasuring to an extent of 9 cents in S.F.No.42/3, Vadaputhur Village, Gingee Taluk, Villupuram District and also claims to have put up a superstructure apparently without a Planning Permission.

2. It is the specific case of the petitioner that the 5th respondent who is the owner of the property which lies adjacent to his house in S.F. No.69/12 and 69/2 of Vadaputhur Village, had encroached upon the public road in the land classified as 'Pathway Poromboke' in S.F.No.71 of the said Village and the petitioner has also submitted a representation dated 25.06.2020, to the 1st respondent and the office of the 1st respondent vide Memo, endorsement dated 09.07.2020 in O.Mu.Aa5/12324/2020, has directed the 3rd respondent to look into the same and take appropriate action and inform the same to the petitioner and send a report to their office and despite a lapse of nearly seven months and odd, no action whatsoever has been taken and therefore, he is constrained to approach this Court by filing this Writ Petition.

3. Heard the submission of the learned counsel appearing for the petitioner, Mr.Kamalesh Kannan, learned Government Advocate accepting notice on behalf of the respondents 1 to 4.

4. Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this Writ Petition, directs the 3rd respondent to act on the Memo endorsement, issued by the office of the 1st respondent dated 09.07.2020 in O.Mu.Aa5/12324/2020 and after putting on notice, the petitioner and the 5th respondent, shall cause inspection of the lands said to be classified as Pathway Poromboke in S.F.No.71 of Vadaputhur Village, with the aid of the revenue records and if the result of the inspection reveals any infraction on the part of either the petitioner or the 5th respondent or both, shall take immediate, necessary and appropriate action in accordance with law, by adhering to the principles of natural justice and complete the said exercise within a period of twelve 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 to the 5th respondent.

5. The Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

sk

To

- 1.The District Collector,
Office of District Collector,
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- 2.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Tindivanam, Villupuram District.
- 3.The Tahsildar,
Gingee Taluk Office,
Gingee,
Villupuram District.
- 4.The Block Development Officer,
Block Development Office,
Gingee, Villupuram District.

+lcc to Mr.V.R.Appaswamee, Advocate, S.R.No.21326
+lcc to the Government Pleader, S.R.No.21911

W.P.No.7932 of 2021

GPL(CO)
CB(21/05/2021)

सत्यमेव जयते

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