

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.13436 of 2021 &
WMP.No.14303 of 2021

K. Muthusamy

...Petitioner

Vs.

- 1.The District Collector,
District Collectorate,
Salem, Salem District.
2. The Tahsildar,
Taluk Office,
Kannankurichi Main Road,
Hasthampatti, Salem 636 007.
3. The Director of Mines and Minerals,
Industrial Estate,
Guindy,
Chennai 600 032.
4. The Assistant Director of Mines and Minerals,
District Collectorate,
Salem, Salem District.
5. The Divisional Engineer,
Public Works Department Office,
near Police Reserve Ground,
Yercaud Main Road,
Hasthampatti, Salem District.

...Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing respondents to consider and pass orders on the representation of the petitioner to the 1st respondent dated 15.4.2021 regarding his request to recognise the 40 feet cart-track in S.F.No.36/2 of Sandhiyur Village, Salem District as a cart-track and not to put up any construction over the said cart-track area pending disposal of the above representation.

For Petitioner : Mr.D.Selvaraju

For Respondents: Mr.Stalin Abimanyu, Govt. Advocate
for R1 to R5.

O R D E R

The relief sought in this Writ Petition is to issue a Mandamus directing the respondents to consider and pass orders, on the representation of the petitioner dated 15.04.2021 with respect to recognise the 40 feet cart-track in S.F.No.36/2 of Sandhiyur Village, Salem District as a cart-track and not to put up any construction over same.

2. It is the case of the petitioner that he owns agricultural lands and a house in S.F.Nos.17/1, 17/2, 17/3 and 15/10 measuring to an extent of 6 acres in Sandhiyur Attayampatti Village, which are adjacent to a Government land in S.F.No.36/2. In the said S.F.No.36/2 which is a rocky proamboke situated between the petitioner's lands and the Salem-Namakkal Highways Main Road, there exists a cart-track measuring 40 feet and the same has been used by the petitioner as an access to reach to his lands and house. The said possession and usage of the cart track was also recognised by the revenue authorities by collecting B-memo charges. Now, the grievance of the petitioner is that during March 2020, the Government constructed a building for the office of the Mines and Minerals Department in the said poramboke land, which is nearing completion; and the authorities are attempting to construct a compound wall thereby reducing the width of the cart-track to less than 15 feet used by the petitioner. Aggrieved over the same, the petitioner gave a representation dated 15.04.2021 to the first respondent requesting to recognise the 40 feet land in S.F.No.36/2 of Sandhiyur Village as cart track. Similar request was made on 06.05.2021 by the residents of Sandhiyur Attayampatti Village as they have been using the said cart track as a passage to reach the bus stop. However, till date, no steps have been taken on the said representations. Therefore, this writ petition.

3. Today, when the matter was taken up for consideration, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents jointly submitted that subsequent to the filing of the Writ Petition, the Collector directed the Tahsildar/Revenue Divisional Officer to conduct an enquiry and take appropriate action with regard to the claim of the petitioner.

4. In view of the subsequent development, this Court directs the respondent authorities to complete the enquiry and pass appropriate orders on the representation of the petitioner, on merits and in accordance with law, after providing an opportunity of hearing to the petitioner as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

msr

To

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+1 CC to Mr.D. Selvaraju, Advocate sr 30113.

+1 CC to The Government Pleader sr 30216.

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GMR(CO)
SP(07/07/2021)