

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 09.04.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.14393 of 2018

M.Raju

... Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Office of Division,
Sankari, Salem District.

3.The Tahsildar,
Sankari Taluk.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to form pathway to survey No.293/41 & 293/42 situated at Rangamuthanur, Kaligoundampalayam Village, Sankari Taluk, Salem District by considering petitioner's representations dated 26.03.2018 & 06.04.2018.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to form pathway to survey No.293/41 & 293/42 situated at Rangamuthanur, Kaligoundampalayam Village, Sankari Taluk, Salem District by considering petitioner's representations dated 26.03.2018 & 06.04.2018.

2.The petitioner in order to reach his land at Survey No.293/41 & 293/42 situated at Rangamuthanur, Kaligoundampalayam Village, Sankari Taluk, Salem District wanted a pathway to be laid in a Government land, as according to the petitioner, there is no other pathway available to reach his land, hence in this regard, he made a request by way of representation to the second

respondent on 06.04.2018 and since the said representation has not been considered, he has filed the present writ petition with the aforesaid prayer.

3.The learned counsel appearing for the petitioner, having reiterated the aforesaid facts, would seek indulgence of this Court to issue a direction by way of mandamus.

4.Per contra, Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondents, by relying upon the averments made in the counter affidavit, would submit that, there are two other ways to approach the land of the petitioner available.

5.When that being so, the petitioner's claim to make a pathway in the land, which is at S.No.55/3B to the extent of 0.040.0 hectare, since the same has been classified as 'Vilayattu Thidal' i.e. playground in village accounts, may not be possible to make it in that survey number i.e. Vilayattu Thidal (playground) which belongs to the Government as stated in the village accounts and therefore, the said request may not be feasible for compliance, he contended. The relevant portion of the counter affidavit reads thus:

"5)It is not true to say that this petitioner mentioned that non availability of proper pathway to reach his land. It is true to say that availability of pakka pathway to reach his land through in respect of Kaligoundampalayam village, Natham S.No.293/35 to the extent of 00.253.0 square meter classified as 'Veethi'. And another one pathway is available for to reach his land through in natham S.No.293/19 classified as 'Pothu Santhu'. This petitioner seeking to form pathway on S.No.55/3B to the extent of 0.04.0 hectare classified as 'Vilayattu Thidal' in the village accounts. The petitioner asking to form pathway although there is an alternative way to go to his land."

6.I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7.Though the said stand taken by the respondents by relying upon para 5 of the counter affidavit, as quoted herein above, a decision can be taken in this regard on the representation of the petitioner dated 06.04.2018, accordingly, this Court feels that, a direction can be given to the respondents, especially the second respondent to pass orders on the representation of the petitioner dated 06.04.2018 within a time frame. Accordingly, there shall be a direction to the second respondent

to consider and pass orders on the representation of the petitioner dated 06.04.2018 with regard to the claim of the petitioner to make a pathway for his land in S.No.293/41 & 293/42 situated at Rangamuthanur, Kaligoundampalayam Village, Sankari Taluk, Salem District and decide the same on merits and in accordance with law and communicate the order to be passed, to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

8.With this direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Sgl

To

- 1.The District Collector,
Salem District, Salem.
- 2.The Revenue Divisional Officer,
Office of Division,
Sankari, Salem District.
- 3.The Tahsildar,
Sankari Taluk.

+lcc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.22522

+lcc to the Government Pleader, S.R.No.22801

W.P.No.14393 of 2018

PMK (CO)
CB(27/04/2021)

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