



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 28.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P. No.19103 of 2021

(Heard through VC)

V.S.Kumar

...Petitioner

Versus

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Sub Collector,
Collector Office Compound,
Chithambaram.
3. The Tahsildar,
Bhuvanagiri Taluk,
Cuddalore District.
4. The Block Development Officer,
Parangipettai Block Panchayat Union,
Parangipettai,
Cuddalore District.
5. Sundaramoorthy
6. Ramasamy
7. Baskar
8. Selvanathan
9. Palanivel
10. Kaliyaperumal
11. Sankaran
12. Thangavel
13. Rajkumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents to remove the encroachments in S.No.97/1 of Manikollai Village, Bhuvanagiri Taluk, Cuddalore District and re-establish pathway in S.No.97/1 of Manikollai



WEB COPY

Village as per the Village Revenue Records and institute criminal case against the encroachers for their repeated encroachment in S.No.97/1 of Manikollai Village.

For petitioner : Mr.Raja Karthikeyan

For respondents : Mr.T.N.C.Kaushik
Government Counsel for R1 to R3

Mr.Harsha Raj
Standing Counsel for R4

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

Heard Mr.Raja Karthikeyan, learned counsel for the petitioner; Mr.T.N.C.Kaushik, learned Government Counsel for the respondents 1 to 3; and Mr.Harsha Raj, learned Standing Counsel for the fourth respondent and perused the materials available on record.

2. The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the respondents to remove the encroachments in S.No.97/1 of Manikollai Village, Bhuvanagiri Taluk, Cuddalore District.

3. The petitioner would state that he and other village people are having agricultural land in S.Nos.58, 59 and 60. The resident of villagers are using the common pathway found in S.No.97/1 of Manikollai Village, for their access to their land, which is classified as "pathway" in the revenue records. The grievance of the petitioner is that the pathway in S.No.97/1 has been encroached by 9 persons of the Village. Hence, he made a representation to the respondents to remove the encroachment. Since no action was taken, the present Writ Petition.

4. Mr.Harsha Raj, learned Standing Counsel appearing for the fourth respondent would state that based on the representation of the petitioner, the encroachment was already removed, however within 15 days, they again encroached the pathway. It is further submitted that in view of the Local Body Elections to be conducted on 16.10.2021, the fourth respondent is not able to take immediate action and after the election process is over, encroachment would be removed by the fourth respondent.

5. The submission of the learned Standing Counsel appearing for the fourth respondent is recorded and the fourth respondent is directed to remove the encroachment within a period of six



weeks from the date of receipt of a copy of this order. If there is any further encroachment, the fourth respondent shall lodge a criminal complaint with the jurisdictional police station.

6. With the above directions, the Writ Petition is disposed of. There is no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

r n s

To

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Sub Collector,
Collector Office Compound,
Chithambaram.
3. The Tahsildar,
Bhuvanagiri Taluk,
Cuddalore District.
4. The Block Development Officer,
Parangipettai Block Panchayat Union,
Parangipettai,
Cuddalore District.

W.P. No.19103 of 2021

KV[co]
NSK 08/10/2021