

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

WP.No.14757 of 2020

N.Palanisamy, M/A 72
Sort of Nanjappa Gounder,
No.4/13, Perodu Village,
Chithode,
Erode 638 102.

... Petitioner

Vs

1.The District Collector,
District Collector Office,
Erode.

2.The District Revenue Officer,
Erode District,
Erode.

3.The Revenue Divisional Officer,
Erode District,
Erode 638 101.

4.The Revenue Tahsildar,
Erode District,
Erode 638 101.

5.P.Moorthy,
Son of Ponnusamy,

Perodu Village,
Chithode, Erode 638 102

...Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents to remove the encroachment made in the "Common pathway" in Survey No.46/1 in Perodu Village, Chithode, Erode 638 102 and to bring the land to its original form by considering the Petitioner's representation dated 07.09.2020.

For Petitioner : M/s.R.Shase for Mr.M.Guruprasad

For Respondents : Mrs.R.Anitha
State Government Counsel (for R1 to R4)
Mr.N.Manokaran (for R5)

ORDER

[Order of the Court was made by N.KIRUBAKARAN,J.]

The Writ Petition has been filed seeking direction to respondents to remove the encroachment made in the "Common pathway" in Survey No.46/1 in Perodu Village, Chithode, Erode 638 102 and to bring the land to its original form by considering his representation dated 07.09.2020.

2. According to the Petitioner he is the owner of the agricultural land admeasuring an extent of 2.75 acres in survey No.46/2A and 46/3B, Patta No.834, Perodu Village, Chithode, Erode 638 102 and to have access to his land, he is using the adjacent "common pathway" in Survey No.46/1. Since he has been denied access to his agricultural land, he has come before this Court, seeking direction to Respondents to consider and dispose of his representation dated 07.09.2020.

3. Heard the learned counsel appearing on behalf of the Petitioner, Mrs.R.Anitha, learned State Government Counsel appearing on behalf of Respondents 1 to 4 and Mr.N.Manokaran, learned counsel appearing on behalf of the 5th Respondent.

4. This Court has considered the rival submissions and perused the records.

5. To find out the existence of the pathway comprised in S.No.46/1,

the entire S.Nos.46 & 48 have to be measured. Only a comprehensive survey with regard to S.Nos.46 & 48 will help to identify the pathway comprised in S.No.46/1 and other owners having properties in the respective survey numbers. Therefore, the official Respondents are directed to conduct a re-survey of the entire property in S.Nos.46 & 48 as mentioned above, within a period of six weeks from the date of receipt of a copy of this order, after giving notice to the Writ Petitioner and also to other owners who are all having properties in S.Nos.46 & 48.

Call the matter for reporting compliance, after six weeks.

(NKKJ)

(TVTSJ)

28.06.2021

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To

1.The District Collector,
District Collector Office,
Erode.

2.The District Revenue Officer,
Erode District,

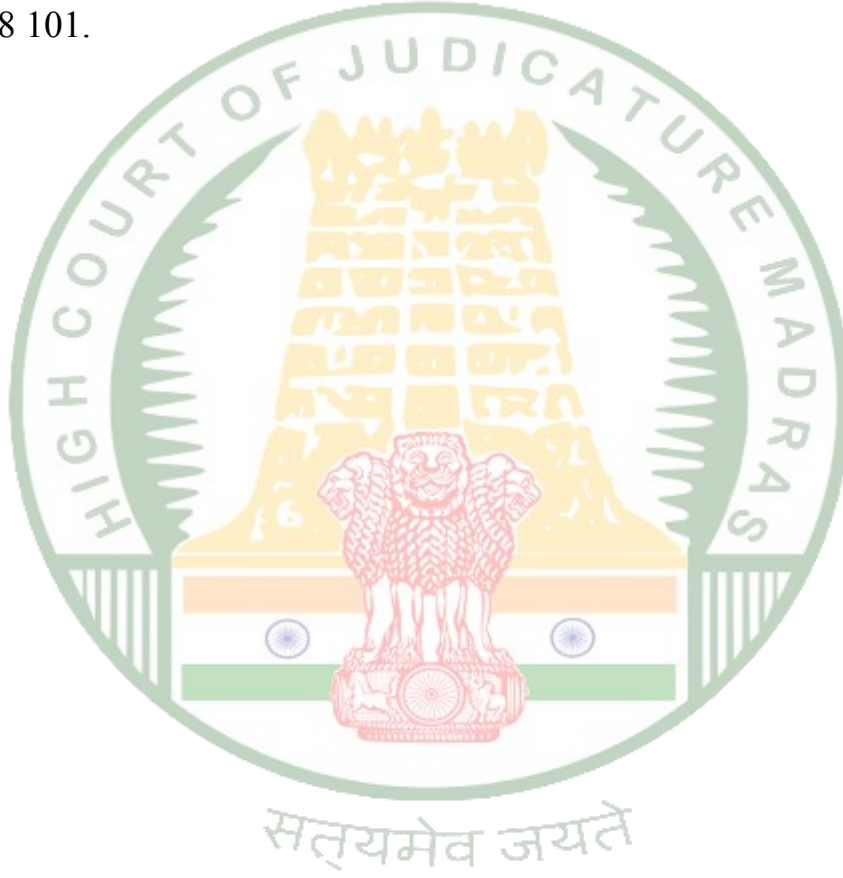
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Erode.

3.The Revenue Divisional Officer,
Erode District,
Erode 638 101.

4.The Revenue Tahsildar,
Erode District,
Erode 638 101.



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**N.KIRUBAKARAN,J.
AND
T.V.THAMILSELVI,J.**

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