



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.18116 of 2021

Saravanan

...Petitioner

Vs

1. The Revenue Divisional Officer
Namakkal.

2. The Thasildar
Rasipuram
Namakkal District.

3. The Commissioner
Rasipuram Municipality Corporation
Namakkal District.

4. Vijayakumar

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 and 2 to cancel the illegal patta stands in favour of the 4th respondent for encroached common pathway and subsequently direct the respondents to remove the encroachment put forth by the 4th respondent on common pathway comprised in town survey No.43/0 situated at Rasipuram Town, Namakkal District, pursuant to the petitioner representation dated on 16.08.2021.

For the Petitioner : Mr.A.G.Narasimhan

For the Respondents : Mr.P.Muthukumar,
1 and 2 State Government Pleader

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner complains that the private respondent has wrongfully encroached on a common pathway by citing a patta which is illegal. The petitioner's grievance is that the representations made by or on behalf of the petitioner pertaining to the pathway in Town Survey No.43/0 at Rasipuram



Town, Namakkal District, have gone unheeded.

2. Mr.P.Muthukumar, learned Government Advocate, appears for respondent Nos.1 and 2. According to Mr.Muthukumar, the first respondent Revenue Divisional Officer is the appropriate authority to cancel a patta, if found illegal or otherwise not in order.

3. Accordingly, the writ petitioner is permitted to carry a detailed representation to the first respondent within a fortnight from date. Upon receipt of such representation, the first respondent will cause an inquiry to be made upon due notice to the petitioner and the fourth respondent herein. In the event the patta is found to be illegal or otherwise not in order, the Revenue Divisional Officer will take immediate appropriate action in accordance with law and clear the pathway.

4. It is hoped that the entire exercise is completed by the first respondent herein within ten weeks of the receipt of the petitioner's representation.

W.P.No.18116 of 2021 is disposed of without any order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

sra

To:

1. The Revenue Divisional Officer
Namakkal.
2. The Thasildar
Rasipuram, Namakkal District.
3. The Commissioner
Rasipuram Municipality Corporation
Namakkal District.

+lcc to Mr.A.G.Narasimhan, Advocate, S.R.No.43861

+lcc to the Government Pleader, High Court, Madras S.R.No.43946

W.P.No.18116 of 2021

SJ(CO)
RGA(08/09/2021)