

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.21077 of 2019
&WMP.No.20279 of 2019

- 1.S.Periyasamy
- 2.K.Rajhendran
- 3.S.Selvaraju
- 4.N.Panneerselvam
- 5.S.Murukesan
- 6.K.Desinguraja
- 7.K.Chinnathambi
- 8.S.Arunachalam
- 9.P.Alamelu
- 10.N.Malar
- 11.R.Madeswaran
- 12.P.Ayyam Perumal
- 13.T.Thangaraju

...Petitioners

-Vs-

- 1.The District Collector,
Vizhupuram District,
Vizhupuram.
- 2.The District Revenue Officer,
Vizhupuram.
- 3.The Revenue Divisional Officer,
Kallakurichi,
Vizhupuram District.
- 4.The Tahsildar,
Chinna Salem Taluk,
Chinna Salem,
Vizhupuram District.

5.Mr.Meiyazhagan

6.Selvi

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to pass an order of writ of Mandamus directing the official respondents to make sub division for pathway (Nilaviyal Pathai) in S.No.76/3A, passes through S.No.119/2 and 117/10, 9, 8, 7, 6 ended in S.No.112/2 of Kural

Village, Chinna Salem Taluk, Villupuram District and consequently to make appropriate entry in the revenue records about the pathway (Nilaviya Pathai).

For Petitioner : Mr.M.Muthappan

For R1 to R4 : Mr.S.N.Parthasarathi
Government Advocate

For R5 & R6 : Mr.V.Gunasekar

ORDER

This Writ Petition is filed for a writ of Mandamus directing the official respondents to make sub division for pathway (Nilaviyal Pathai) in S.No.76/3A, passes through S.No.119/2 and 117/10, 9, 8, 7, 6 ended in S.No.112/2 of Kural Village, Chinna Salem Taluk, Villupuram District and consequently to make appropriate entry in the revenue records about the pathway (Nilaviya Pathai).

2.The Short question here is that a certain property has been assigned by the Government to the petitioner. However, his right to enjoy the assigned land is curtailed by a certain encroachment said to have been made at the entry point of the property by the private respondents.

3.Mr.S.N.Parthasarathi, learned Government Pleader made a statement that the Tahsildar has already held an enquiry and made his recommendations to the Sub Collector. And a statement has also been made that the private respondents viz., respondents 5 and 6 herein have also participated in the enquiry before the Tahsildar, to enable the authorities to pass final proceedings in the matter.

4.The learned Government Advocate further submitted that due to the ongoing Election Process, the Sub Collector/third respondent is hard pressed for time.

5.The learned counsel for the respondents 5 and 6 made a statement that these respondents have filed O.S.No.185 of 2012 on the file of the Additional District Munsif Court, Kalakurichi and an order of injunction has been passed by the learned Munsif and the same is in operation.

6.The third respondent is now required to fix a date for enquiry sometime during the third week of May 2021, issue notice to all the parties who are likely to be affected by his action, which necessarily includes the respondents 5 and 6 herein and thereafter, pass such appropriate orders within a period of 12 weeks from the date of the official enquiry.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tsg

To

- 1.The District Collector,
Vizhupuram District,
Vizhupuram.
- 2.The District Revenue Officer,
Vizhupuram.
- 3.The Revenue Divisional Officer,
Kallakurichi,
Vizhupuram District.
- 4.The Tahsildar,
Chinna Salem Taluk,
Chinna Salem,
Vizhupuram District.

+1cc to Mr.V.Gunasekar, Advocate, S.R.No.22157

+1cc to Mr.M.Muthappan, Advocate, S.R.No.21496

+1cc to the Government Pleader, S.R.No.21925

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Order made in
W.P.No.21077 of 2019

PCH(CO)
KM(26/04/2021)