



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.10.2021

CORAM

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

W.P.No.21900 of 2021

Clothilda Mary Raphael

... Petitioner

-vs-

1.The District Collector
Thiruvannamalai District.

2.The Revenue Divisional Officer
Thiruvannamalai - 606 601.
Thiruvannamalai District.

3.The Tahsildar
Kizhl Pennathur-604 601.
Thiruvannamalai District.

4.Rev.Fr.Amalanathan
5.Rev.Fr.Periyanayagam
6.B.C.Pichaimuthu alias Abraham
7.P.Sundar Raj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st, 2nd & 3rd respondents, especially the 1st respondent in initiating appropriate action against the 4th, 5th, 6th & 7th besides invoking Section-8 of the T.N Land Encroachment Act, 1905, not only for their hurried action in putting up of compound wall with RCC slab on the northern side of the path-way, but also putting up of a Big Grill Gate on the Eastern side of the path-way not only preventing the petitioner's access through but also encroaching upon the Government Poramboke path-way comprised in Sub-Division/3B of Survey No.477 of Boothamangalam Village and equally defying the interim order passed by the 2nd respondent dated 03.09.2021 apart from forthwith removing the compound wall put up with RCC slab on the northern side of the path-way and also the Big Grill Gate on the Eastern side of the path-way ensuring the petitioner's only access leading to Avalurpet main road from the house property and equally remained as the ingress and egress to enter into the



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house property from the main road and also to reach various places from the house property.

For petitioner :Mr.A.Amalraj

For respondents:Mr.T.N.C.Kaushik, Government Counsel
for RR1 to 3

ORDER

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

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for issuance of writ of mandamus, directing the respondents 1 to 3 to initiate appropriate action against the respondents 4 to 7, to remove the encroachment in Government Poramboke pathway comprised in Sub-Division/3B of Survey No.477 of Boothamangalam Village.

3.The petitioner would claim that she is the absolute owner of the property bearing Door No.1560/300, Madha Koil Street, Boothamangalam, Kizl Pennathur Taluk, Thiruvannamalai District, comprised in Sub-Division Survey No.477/3-I of Survey No.477 and she is paying property tax to the local body and also got electricity service connection to the subject property.

4.The learned counsel appearing for the petitioner, Mr.A.Amalraj, would state that in and around the property of the petitioner, there are about 15 families put up their constructions and residing thereon. It is his further submission that a pathway is in existence in Survey No.477, which has been classified as "Government Poramboke pathway" and the said pathway has been used by the petitioner as well as the other residents of the area. However, the respondents 4 to 7 have gradually encroached upon the pathway and now, they have put up compound wall, preventing the residents to use the public pathway. Therefore, the petitioner made representations to the authorities and the 2nd respondent has also passed orders to remove the encroachment, but nothing has been happened so far. Hence, the present writ petition.

5.The learned Government Counsel, Mr.T.N.C.Kaushik, would state that the 2nd respondent has already passed orders for removal of encroachment and the 3rd respondent is taking steps to remove the encroachment put up by the private respondents.



6. In the light of the prayer sought in this writ petition and the submissions of the learned counsels, this writ petition is disposed of, directing the 3rd respondent to take appropriate action on the representation of the petitioner dated 22.07.2021 in accordance with law, after affording ample opportunity to all the parties concerned, within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Thiruvannamalai District.

2. The Revenue Divisional Officer
Thiruvannamalai - 606 601.
Thiruvannamalai District.

3. The Tahsildar
Kizhl Pennathur-604 601.
Thiruvannamalai District.

+1cc to Mr. A. Amal Raj, Advocate, S.R.No.53587

W.P.No.21900 of 2021

PMK (CO)
CB(12/11/2021)