



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 21181 of 2021
and
W.M.P. No. 22463 of 2021

V. Ravi

.. Petitioner

Versus

1. The District Collector
Kancheepuram District
Kancheepuram 603 107
2. The District Revenue Officer
Kancheepuram District
Kancheepuram 603 107
3. The Revenue Divisional Officer
Kancheepuram District
Kancheepuram 603 107
4. The Tahsildar
Uthramerur Taluk
Kancheepuram District
Kancheepuram 603 107

4. Saravanan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to directing the 1st to 5th respondents to retain the 20 feet path way in Bajanai Koil Street runs between West to East in Survey No. 274, Kavanipakkam Village and connects in the Cement Road (Village Panchayat Road) as claimed in the petition dated 10.08.2021 in a time bound period.

For Petitioner : Mr.K.Mohanamurali
For Respondents : Mr. Stalin Abhimanyu
Government Counsel for R1 - R4



ORDER

Mr. Stalin Abhimanyu, learned Government Counsel takes notice for the respondents 1 to 4. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

2. According to the petitioner, he is residing at No. 64, Bajanai Koil Street, Mettu Colony, Uthramerur Taluk, Kancheepuram District comprised in S.No.274/5B, Kavanipakkam village. His neighbour Natarajan is residing at No.65, Bajanai Koil Street, in S.No.274/5A and one Chandran, father of the fifth respondent, is an occupant of Door No.63 of Bajanai Koil Street and is also having an access in the cement road. All the occupants of the Bajanai Koil Street have left 20 feet pathway on the northern side of their properties, which is being used from time immemorial; and adjoining the 20 feet pathway on the northern side, a water channel runs in Bajanai Koil Street between west and east in S.No.274 and leading to the cement road, besides running between north and south in S.no.263 of Kavanipakkam village. The properties owned and enjoyed by the petitioner, Natarajan and Chandran in S.No.274, were subdivided into 274/5B, 274/5A and 274/6B4B of Kavanipakkam Village. While so, the father of the fifth respondent is attempting to encroach on the 20 feet pathway in Bajanai Koil Street in S.No.274 adjoining the water channel in S.No.263 of Kavanipakkam Village, which was objected to by the petitioner by making representation dated 18.10.2010 to the respondents 1 to 4, which was not considered. Thereafter, pursuant to the order dated 02.11.2010 passed in WP.No.24721 of 2010, at the instance of the petitioner, conciliation talks were held in the presence of the second respondent. During the course of the same, the father of the fifth respondent received Rs.50,000/- from the petitioner and executed a muchalika dated 16.05.2014, as per which, the petitioner and other occupants of Bajanai Koil Street were using the 20 feet passage without any hindrance. The petitioner further stated that after the demise of his father, the fifth respondent started giving trouble in the usage of the 20 feet pathway in Bajanai Koil street leading to the village cement road by putting up wall on 01.08.2021. Hence, he made a complaint on 01.08.2021 before the Inspector of Police, Salavakkam Police Station, Kancheepuram District. However, no action was taken on the said complaint by registering the same, which compelled him to make a representation dated 10.08.2021 to the respondent authorities, which was also not considered. Even thereafter, no steps have been taken by the respondent authorities. Therefore, this writ petition.

3. The learned counsel for the petitioner submitted that the petitioner paid a sum of Rs.50,000/- to the father of the fifth respondent for execution of a Muchalika on 16.05.2014, as



per which, he along with other occupants were using the 20 feet passage without any hinderance. However, after the death of his father, the fifth respondent obstructed the said pathway by constructing wall on 01.08.2021. Hence, the petitioner submitted a representation dated 10.08.2021 to the respondent authorities, which was not considered, till date. Stating so, the learned counsel prayed for appropriate direction to the respondent authorities in this regard.

4. On the other hand, the learned Government counsel, appearing for the respondents submitted that the respondent authorities would consider the petitioner's representation dated 10.08.2021 and pass orders, on merits, within a reasonable time to be fixed by this court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court directs the respondent authorities to consider the petitioner's representation dated 10.08.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the fifth respondent, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dhk

To

1. The District Collector
Kancheepuram District
Kancheepuram 603 107
2. The District Revenue Officer
Kancheepuram District
Kancheepuram 603 107
3. The Revenue Divisional Officer
Kancheepuram District
Kancheepuram 603 107



4. The Tahsildar
Uthramerur Taluk
Kancheepuram District
Kancheepuram 603 107

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Copy to:

The Inspector of Police,
Salavakkam Police,
Kancheepuram District.

+1CC to M/s.K.Mohana Murali, Advocate SR.No.51077

+1CC to Government Pleader, SR.No.51593

W.P. No. 21181 of 2021

PMK (CO)

B.VC (28/10/2021)