



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 25.11.2021

CORAM

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

W.P.No.24091 of 2021

Rajendran Balaji

...Petitioner

vs

1.The District Collector
District Collector Office,
Kallakurichi.

2.The Tahsildar
Kallakurichi,
Kallakurichi District.

3.The Block Development Officer
Panchayat Union Office, Chinnasalem
Kallakurichi.

4.Pachamuthu

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments put up by the 4th respondent over the pathway and open water drainage existing in SF.No.73/1 and 76/1 Pethanur Village, Kallakurichi District and SF.No.4/16 of Rayarpalayam Village, Kallakurichi District, by considering the representation of the petitioner herein dated 24.06.2020 within a reasonable time.

For petitioner : Mr.R.Nalliyappan

For respondents : Mr.L.S.M.Hasan Fizal, AGP
for RR1 & 2
Mr.S.J.Mohammed Sathik, GA
for R3
Mr.V.R.Appaswamee, for R4

ORDER

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

The prayer in this writ petition is to issue a writ of mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in SF.No.73/1 and 76/1 Pethanur Village, Kallakurichi District and SF.No.4/16



of Rayarpalayam Village, Kallakurichi District, by considering the representation of the petitioner dated 24.06.2020.

2. Heard Mr.R.Nalliappan, learned counsel for the petitioner; Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader, appearing for the respondents 1 and 2; Mr.S.J.Mohammed Sathik, learned Government Advocate, appearing for the 3rd respondent and Mr.V.R.Appaswamee, learned counsel appearing for the 4th respondent and also perused the materials available on record.

3. The learned Government Advocate appearing for the 3rd respondent would state that in respect of removal of encroachment, one Mannangatti Konar filed a suit and obtained a decree in O.S.No.12 of 2018. The 4th respondent has filed a subsequent suit in O.S.No.220 of 2019 to declare the decree obtained in O.S.No.12 of 2018 as null and void. He would further state that the preliminary enquiry revealed that not only the 4th respondent but also the petitioner has made encroachment in the common pathway, which has been formed in SF.No.73/1 and 76/1 Pethanur Village.

4. In the light of the above submission of the learned Government Advocate appearing for the 3rd respondent, this Court without expressing any opinion on the merits of the matter, directs the 3rd respondent to act on the representation of the petitioner dated 24.06.2020 and remove the encroachment in the public pathway, if any, found in SF.No.73/1 and 76/1 Pethanur Village, after conducting a survey in the presence of the parties and in accordance with law.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

Jer

To

1. The District Collector
District Collector Office,
Kallakurichi.

2. The Tahsildar
Kallakurichi,
Kallakurichi District.



3.The Block Development Officer
Panchayat Union Office, Chinnasalem
Kallakurichi.

+1cc to Mr.V.R.Appaswamee, Advocate SR.No.61231

+1cc to Mr.R.Nalliyappan, Advocate SR.No.61705

+1cc to the Government Pleader SR.No.61563

W.P.No.24091 of 2021

GPL (CO)
RVM(10/12/2021)