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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 15.12.2021

CORAM:

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

W.P. No.27541 of 2019
and WMP.No.27031 of 2019

R.Rangaraj

.. Petitioner

Versus

1. The Revenue Tahsildar,
Office of the Revenue Tahsildar,
Sirumugai Road,
Mettupalayam 641 301.
2. The Revenue Inspector,
Karavadai,
Mettupalayam Taluk 641 104.
- 3.The Village Administrative Officer,
Kalampalayam Village.
4. The Special Officer,
Karamadai Village Panchayat.
5. Ganesan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the encroachment made by the fifth respondent in S.F.No.635/2.

For petitioner : Mr.S.Mukunth
For Mr.Sarvabhauman Associates

For respondents
for RR1 to 4 : Mr.R.Siddharth,G.A
for R5 : Mr.K.S.Karthik Raja

ORDER

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

The Writ Petition is heard through video conferencing.



2. The prayer in the Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment in Survey No.635/2 at Kalampalayam Village, Mettupalayam Taluk.

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3. It is the case of the petitioner that there is a common passage between the property of the petitioner and the fifth respondent having a width of 8 feet, which is encroached by the fifth respondent.

4. The first respondent has filed a counter affidavit stating that S.F.No.635/2 is classified as a street in the Revenue Records and the local people constructed houses in the northern side. There is no uniform measurement for individual houses and the fifth respondents has not constructed house in the road.

5. In the light of the statement made by the first respondent, we find no merit in the Writ Petition. Hence, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Revenue Tahsildar,
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Sirumugai Road, Mettupalayam 641 301.
2. The Revenue Inspector,
Karavadai, Mettupalayam Taluk 641 104.
3. The Village Administrative Officer,
Kalampalayam Village.
4. The Special Officer,
Karamadai Village Panchayat.

+lcc to Mr.Sarvabhauman Associates, Advocate, S.R.No.67267

+lcc to the Government Pleader, S.R.No.67517

W.P. No.27541 of 2019

EV(CO)

CT 04/01/2022