



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

CORAM:

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

W.P.No.25205 of 2021

M.P.Sureshkumar

...Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal.
2. The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
3. The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.
- 4.Natarajan
- 5.Arul
- 6.Sivakumar
- 7.Saraswathi

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 7 in Cart Track situated in S.Nos.196, 198 and 202 Part, A.Eraiyamangalam Village, Tiruchengode Taluk, Namakkal District.

For petitioner : Mr.C.Prakasam

For respondents : Mr.L.S.M.Hasan Fizal
Addl. Government Pleader
(for R1 to R3)



ORDER

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

Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come up with this writ petition seeking for issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 7 in S.Nos.196, 198 and 202 Part situated at A.Eraiyamangalam Village, Tiruchengode Taluk, Namakkal District, which has been classified as Cart Track.

3.The learned counsel for the petitioner Mr.C.Prakasam would state that the petitioner owns agricultural lands to an extent of 7.00 Acres in S.Nos.195 and 202 Part situated at A.Eraiyamangalam Village, Tiruchengode Taluk, Namakkal District. It is further stated that in S.Nos.198, 196 and 202 Part of the said Village, there is a Cart Track, which has been used by the petitioner as an access to his property and it is a public pathway, however, the respondents 4 to 7 have encroached upon the same preventing the access to the petitioner. Hence, he made representations to the respondents 1 to 3. But no action was taken so far. Hence, the present writ petition.

4.The learned counsel for the petitioner would further state that the third respondent is the competent authority and he may be directed to take appropriate action on the representations of the petitioner.

5.The learned Additional Government Pleader Mr.L.S.M.Hasan Fizal, on instructions, would submit that the representation of the petitioner has been received by the official respondents and the third respondent is ready to cause survey on the pathway and if there is any encroachment, he is ready to remove the same.

6.In the light of the limited scope of the prayer sought for in this writ petition and the submissions of the learned counsels appearing on either side, this Court without expressing any opinion on the merits of the matter, directs the third respondent to conduct survey in the subject property in the presence of the petitioner and other interested parties. During survey, if any encroachment is found in the subject property, the third respondent/Tahsildar shall remove the encroachment in accordance with law, after affording opportunity to all the necessary parties. The said exercise shall be completed within a period of six months from the date of receipt of a copy of



this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

skn

To

1. The District Collector,
Namakkal District,
Namakkal.
2. The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
3. The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.61363
+1cc to the Government Pleader, S.R.No.61567

W.P.No.25205 of 2021

RR(CO)
CT 10/12/2021