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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26586 OF 2021

P.Ganesan

... Petitioner

.Vs.

1. The District Collector,
Namakkal District,
Namakkal.
2. The Revenue Divisional Officer,
Namakkal District,
Namakkal.
3. The Executive Magistrate/Thasildhar,
Mohanur Taluk, Mohanur,
Namakkal District.
4. The Revenue Inspector,
Mohanur Taluk, Mohanur,
Namakkal District.
5. The Village Administrative Officer,
Kumaripalayam Village,
Mohanur Taluk,
Namakkal Village.
6. The Inspector of Police,
Mohanur Police Station,
Mohanur Taluk,
Namakkal District.

7. Saravanan

... Respondents

PRAYER -

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 & 2 to implement the order dated 30.10.2021 passed by the 3rd Respondent in மு.மு.எண்.1224/2021/அ1 and consequently direct the



6th Respondent to take necessary action on the petitioner's complaint dated 24.11.2021 vide CSR.No.152/2021, dated 28.11.2021 in accordance with law.

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For petitioner : Mr.M.Vijayanand

For Respondents : M/s.C.Sangamithirai
1 to 3 Additional Government Pleader

For 6th Respondent : Mr.R.Murthi
Government Advocate (Crl.Side)

ORDER

The petitioner has filed this petition seeking issuance of a Writ of Mandamus, directing the respondents 1 & 2 to implement the 3rd order dated 30.10.2021 passed by the 3rd Respondent and to direct the 6th Respondent to take necessary action on the petitioner's complaint dated 24.11.2021 in accordance with law.

2. The case of the petitioner is that he is the sole and absolute owner of the lands in Survey Nos.197/7, 12, 8B2, 8C1A, 10D, kumarapalayam village wherein the petitioner is doing agriculture and the petitioner being entitled to use the public pathway in Survey No.197 and a cart way was using the same to access his lands. While being so, one Balusamy and others including the 7th respondent herein had obstructed the petitioner from using the said pathway and cart way and denied access to the petitioner's lands which led the petitioner to lodge a complaint before the 6th respondent. Subsequently, the 3rd Respondent conducted a peace committee meeting on 25.08.2021 and 08.10.2021 between the parties concerned and passed an order dated 30.10.2021 stating not to cause any sort of disturbance to the parties who have right to access their lands by obstructing the pathway and cart way. However, the said order was not implemented and once again the 7th respondent herein and others have denied access to the petitioner's lands and threatened him with dire consequences which resulted in filing of CSR.No.152/2021 on the file of the 6th respondent and the same is pending. Since, no action has been taken on the same, the present Writ Petition is filed seeking the above relief.

3. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues direction to the Respondents 1 & 2 to implement the order dated 30.10.2021 passed by the 3rd Respondent's and direct the 6th respondent to take action on the petitioner's complaint dated 24.11.2021.



4. The learned Government advocate has no objection to the said order being passed and submits that the order dated 30.10.2021 passed by the 3rd Respondent will be implemented within the time stipulated by this Court. He further submits that since the issue involved in the present case is civil in nature, the parties may work out their remedy before the competent forum.

5. In view of the aforesaid submissions, this Court without going into the merits of the issue, dispose of the Writ Petition directing the respondents 1 & 2 to implement the order dated 30.10.2021 passed by the 3rd respondent as expeditiously as possible. Further, liberty is granted to the petitioner as well as the 7th Respondent herein to work out their remedy before the competent civil court in the manner known to law.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The District Collector,
Namakkal District,
Namakkal.
2. The Revenue Divisional Officer,
Namakkal District,
Namakkal.
3. The Executive Magistrate/Thasildhar,
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Namakkal District.
4. The Revenue Inspector,
Mohanur Taluk, Mohanur,
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5. The Village Administrative Officer,
Kumaripalayam Village,
Mohanur Taluk,
Namakkal Village.



6. The Inspector of Police,
Mohanur Police Station,
Mohanur Taluk,
Namakkal District.

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+2ccs to Mr.M.Vijayanand, Advocate, S.R.No.66668
+1cc to the Government Pleader, S.R.No.67061

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VSN-II (CO)
PBS/10/01/2022