



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R. MAHADEVAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Writ Petition No.27790 of 2021
and
WMP.No.29358 of 2021

V.K.Ramasamy

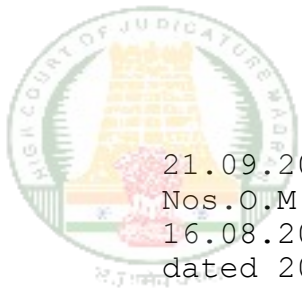
..Petitioner

Vs

- 1.The District Collector
Perambalur
Perambalur District
- 2.The Revenue Divisional Officer
Sub-Collector's Office
Perambalur
Perambalur District
- 3.The Tahsildar
Kunnam Taluk
Perambalur District
- 4.The Village Administrative Officer
Keelapuliyur South Village
Kunnam Taluk
Perambalur District
- 5.Narayanasamy
- 6.Sitharasu

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the 3rd respondent to remove the encroachment made by the 5th and 6th respondents in the public pathway comprised in Survey No.382/2 of Keelapuliyur South Village, Sirukudal, Kunnam Taluk, Perambalur District in due compliance of the directions of the 1st respondent O.M.(A1)/1776/2021 dated 08.02.2021, Na.Ka.(C2)9990/2021 dated 01.09.2021, O.M.(A1)/11540/2021 dated



21.09.2021 and the memos of the 2nd respondent in Memo Nos.O.M.A2/1254/2021 dated 28.06.2021, O.M.A2/3185/2021 dated 16.08.2021, O.M.(A3)9096/2021 dated 09.08.2021, O.M.A2/3844/2021 dated 20.09.2021.

WEB COPY

For Petitioner : Mr.C.K.M.Appaji

For Respondents: Mr.M.Alagu Gountham,
Government Advocate
for R1 to R4.

ORDER

[Order of the Court was made by R. MAHADEVAN, J.]

The petitioner has come forward with this writ petition seeking a direction to the 3rd respondent to remove the encroachment made by the 5th and 6th respondents in the public pathway comprised in Survey No.382/2 of Keelapuliyur South Village, Sirukudal, Kunnam Taluk, Perambalur District in compliance with the directions of the 1st respondent and the memos of the 2nd respondent.

2. According to the petitioner, he owns agricultural land comprised in S.No.15A, 16, 17A, Keelapuliyur South Village, Sirukudal, Kunnam Taluk. All the farmers in the vicinity used to reach their agricultural lands through a cart track viz., Ottar Street in S.No.382/2, Keelapuliyur South Village, Sirukudal, Kunnam Taluk, which starts from the public well at the Eastern end of Mariyamman Koil Street. While so, in order to encroach the public passage, the fifth respondent fraudulently executed a settlement deed in favour of the sixth respondent on 07.10.2020 in respect of the house property comprised in S.No.382/3 & 4 inclusive of cart track passing in front of their house and managed to enter their name in respect of the cart track passage in the UDR Patta with the connivance of the respondents 3 and 4 and on the strength of the same, they squatted down the cart track. Therefore, the petitioner made a representation dated 23.11.2020 to the third respondent requesting to remove the encroachment made by the respondents 5 and 6 in S.No.382/2 in Keelapuliyur South Village. Finding no response on the same, he approached the first respondent with a representation dated 02.02.2021, on receipt of which, the first respondent directed the third respondent to initiate action. Besides that, the petitioner also made a representation to the second respondent on 22.04.2021 to cancel the UDR entry in the name of the respondents 5 and 6 in the cart track. Based on the same, the second respondent directed the third respondent to take action and report the same. Despite the said directions issued by the superior officials, the third respondent did not take any action



against the respondents 5 and 6. Taking advantage of the same, the respondents 5 and 6 attempted to put up a construction in the cart track, which compelled the petitioner to make representations on 11.08.2021 to the second respondent and on 07.09.2021 to the first respondent, requesting to stop the said illegal construction. On receipt of the same, the respondents 1 and 2 issued necessary instructions to the third respondent. Even thereafter, no action was taken by the third respondent. Therefore, the petitioner is before this court with this writ petition for the aforesaid relief.

3. Heard Mr.C.K.M.Appaji, learned counsel for the petitioner and Mr.M.Alagu Gowtham, learned Government Advocate taking notice for the respondent authorities and also perused the documents enclosed in the typed set of papers.

4. Taking into consideration the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court, without going into the merits of the case, directs the 3rd respondent to consider the representations of the petitioner and pass appropriate orders, on merits and in accordance with law and also in the light of the directions issued by the respondents 1 and 2, after affording an opportunity of personal hearing to the petitioner and the respondents 5 & 6. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

nvsri

To

- 1.The District Collector
Perambalur
Perambalur District
- 2.The Revenue Divisional Officer
Sub-Collector's Office
Perambalur, Perambalur District



3.The Tahsildar
Kunnam Taluk, Perambalur District

4.The Village Administrative Officer
Keelapuliyur South Village
Kunnam Taluk, Perambalur District

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.265
+1cc to the Government Pleader, S.R.No.69898

W.P.No.27790 of 2021

RSV(CO)
SB(28/01/2022)