



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.2554 of 2020

and

W.M.P (MD) No.2203 of 2020

R.Kannan

.. Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Thasildar,
Tirupuvanam Taluk Office,
Tirupuvanam,
Sivagangai District.

5.The Block Development Officer,
Tirupuvanam Panchayat Union,
Tirupuvanam,
Sivagangai District.

6.The Secretary,
Piramanoor Village Panchayat Board,
Tirupuvanam Taluk,
Sivagangai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 14.12.2019 and further direct the respondents to lay the cement road for its full width of 20 feet in the public path way from Piramanoor Kamarajar Nagar (in Survey No.366/1) Bus Stop to Piramanoor Kamarajar Nagar Village, Tirupuvanam Taluk, Sivagangai District.

For Petitioner : Mr.V.Rajiv Rufus

For R1 to R5 : Mr.R.Baskaran

Standing Counsel for Government



For R6

: No Appearance

ORDER

WEB COPY

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The grievance of the petitioner is that certain influential villagers have encroached a path which provides the only access to the main road and the respondent authorities are not minded to touch such encroachment.

2. Even the submission made by Mr.R.Baskaran, learned Standing Counsel appearing on behalf of the official respondents, is that though the electric pole evident in the photographs relied upon by the petitioner is being attempted to be moved, the construction of the road was being completed with a shorter width so that, atleast some road could exist.

3. If there is any encroachment and such encroachment is on a pathway, the same has to be removed, whatever may be the inconvenience.

4. Mr.Baskaran says it would be the Block Development Officer, who has to decide on whether there is any encroachment and take steps to remove the same.

5. W.P.(MD).No.2554 of 2020 is disposed of, by directing the fourth respondent Block Development Officer to afford the petitioner an opportunity of hearing and inquire into the matter and take a reasoned decision as to the perceived encroachment after affording a reasonable opportunity of hearing to all who may be affected by the order. The Block Development Officer is reminded that if any encroachment is found, immediate steps should be taken for its removal.

6. W.M.P.(MD).No.2203 of 2020 is closed.

7. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 4.The Thasildar,
Tirupuvanam Taluk Office,
Tirupuvanam,
Sivagangai District.
- 5.The Block Development Officer,
Tirupuvanam Panchayat Union,
Tirupuvanam,
Sivagangai District.
- 6.The Secretary,
Piramanoor Village Panchayat Board,
Tirupuvanam Taluk, Sivagangai District.

+1 CC to M/s.V.RAJIV RUFUS, Advocate (SR-25015[F] dated 02/08/2021)

W.P. (MD) No.2554 of 2020
and
W.M.P (MD) No.2203 of 2020
30.07.2021

NSM(CO)
KB(10.08.2021) 3P 8C