



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11556 of 2021

Thirupathi Dhanaraja

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to restore the 30 feet pathway by removing and cleaning all the bushes and hurdles in the pathway situated in Survey nos. 275/3A, 276/6B, 276/5B, 277/4A, 277/2A, 277/1A, 299/3B, 299/5A2, 299/5A1, 300 and 301, Anamalayanpatti, Mallingapuram village, Uthamapalayam Taluk, Theni Dist and ensure the free access in the said pathway, within the time frame that may be fixed by this Court.

For Petitioners : Mr.Niranjana S.Kumar
For Respondents : Mr.R.Suresh Kumar
Government Advocate

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the respondents to act upon the representation made by the petitioner, on 18.06.2021, wherein, the petitioner has requested for clearing the bushes and for easing the obstruction to ensure free access to the residents of the locality and for draining water during rain fall.

2.The case of the petitioner is that the subject pathway, which is also a water channel, has been in existence for a long time. However, the same has been dumped with bushes and waste and as a result of the same, the 30 feet way has shrunk into a 10 feet pathway. Therefore, representation was made by the petitioner and others to the respondents, seeking to clear the bushes and the waste lying in the pathway to ensure free access and also to ensure proper draining of water during rain fall. Since the same was not acted upon, the present writ petition has been filed before this Court.



3.Heard Mr.Niranjan S.Kumar, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate, appearing for the respondents.

4.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to consider the representation made by the petitioner and others, on 18.06.2021 and deal with the same on its own merits and take a decision, within a period of four weeks from the date of receipt of a copy of this order.

5.The petitioner is directed to make a fresh representation to the second respondent along with all relevant documents and also a copy of this order.

6.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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,
Office of the District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

+1 CC to M/s.SPL GP (SR-22517[F] dated 14/07/2021)

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DKS (CO)

LR (22.07.2021) 2P 4C