



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2021

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THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD)No.14093 of 2020

Arulmigu Venkatachalapathy Perumal Temple,
Rep. by its Secretary,
S.Narayanan,
S/o.Seeni Chettiyar,
Thalavaipuram,
Chettiyarpatti Village,
Rajapalayam Taluk,
Virudhunagar District.

... Petitioner

Vs.

- 1.The Commissioner of Land Administration,
Office of the Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sathur Town, Virudhunagar District.
- 4.The Tahsildar,
Taluk Office,
Rajapalayam Town,
Virudhunagar District.
- 5.Arulmigu Sri Sundaranachiamman Thirukovil,
Rep. by its Managing Trustee M.Rajakani,
Chettiaripatti Village,
Rajapalayam Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to remove the encroachment made by the fifth respondent in Government unassessed land in S.No.59/1A of



Chettiyarpatti Village, Rajapalayam Taluk, Virudhunagar District and consequently, direct the respondents 2 to 4 to permit the petitioner to clean and maintain the Pond, situated in S.No.59/1A of Chettiyarpatti Village.

For Petitioner : Mr.M.Thirunavukkarasu
For R1 to R4 : Mr.K.P.Krishnadoss
Special Government Pleader
For R5 : Mr.C.Vakeeswaran

* * * * *

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this Writ Petition seeking to remove the encroachment made by respondent No.5, in Government unassessed land in S.No.59/1A of Chettiyarpatti Village, Rajapalayam Taluk, Virudhunagar District.

2.The instruction given by the Revenue Tahsildar, Rajapalayam, to the learned Additional Government Pleader shows that an extent of 528 sq.mt. situated in S.No.59/1A of Chettiyarpatti Village, Rajapalayam Taluk, has been given on lease to respondent No.5.

3.The grievance of the petitioner is that there is a pathway, which has been encroached and the general public is prevented from using the same.

4.Considering the submissions made, we direct respondent No.4 to make inspection and find out whether there is any pathway. If there is a pathway and the same is subject to the lease, action should be taken to ensure that it is used by the general public and not by respondent No.5 alone. Needful should be done within a period of eight weeks from the date of receipt of a copy of this order.

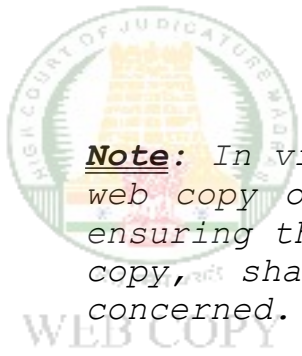
5.This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

// 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 Commissioner of Land Administration,
Office of the Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sathur Town, Virudhunagar District.

4.The Tahsildar,
Taluk Office,
Rajapalayam Town,
Virudhunagar District.

+1 CC to Mr.C.VAKEESWARAN, Advocate (SR-6278[F] dated 19/02/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-6438[F] dated 22/02/2021)

Order made in
W.P. (MD) No.14093 of 2020
19.02.2021

KG (CO)
SRS (08/03/2021) 3P : 7C