



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.3155 of 2022

Marimuthu

.. Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal.
2. The Joint Commissioner,
HR & CE Department,
Namakkal.
3. The Executive Officer,
Rasipuram Taluk,
Athanur Amman Temple,
Namakkal District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to provide pathway on the northern side of lands in Survey No.87/5 of Kunavelampatti Village, Rasipuram Taluk, Namakkal District, measuring an extent of 10 feet breadth and 300 ft length and joins in the 2 cubic breadth road which runs in front of Chettiyanna Gounder land and reaches petitioner's property by removing fencing and restore the original pathway.

For Petitioner : Mr.K.Thiruvengadam

For R1 : Mr.U.Baranidharan
Additional Government Pleader (Co-op.)

For RR2 & 3 : Mr.S.Yashwanth
Additional Government Pleader (HR & CE)



O R D E R

This Writ Petition is filed for a direction to the respondents to provide pathway on the northern side of lands in Survey No.87/5 of Kunavelampatti Village, Rasipuram Taluk, Namakkal District, measuring an extent of 10 feet breadth and 300 ft length and joins in the 2 cubic breadth road which runs in front of Chettiyanna Gounder land and reaches petitioner's property by removing fencing and restore the original pathway.

2.Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the 1st respondent as well as the learned Additional Government Pleader appearing for the respondents 2 and 3 and perused the entire materials available on record.

3.According to the petitioner, he and his brother are owners of land comprised in Survey No.89/1A measuring an extent of 2.47 acres of Kunavelampatti Revenue Village situated at Kunavelampatti Village, Rasipuram Taluk, Namakkal District. The petitioner, his family members along with other 13 families are using pathway in Survey No.87/5 measuring an extent of 10 feet breadth and 300 ft length in the land belonging to the 3rd respondent temple. They were using the road for more than 100 years. Suddenly the Officials of HR & CE department have closed the road. The petitioner and others are finding it very difficult to go to Hospitals, Schools and their agricultural land. In such circumstances, the petitioner and his brother sent representations dated 18.10.2021 to the respondents 1 and 2 separately. The 1st respondent referred the representation of the petitioner to the Revenue Divisional Officer for suitable action. The Revenue Divisional Officer did not take any action in providing pathway to the petitioner and others. Hence, the petitioner has come out with the present Writ Petition.

4.Though larger relief is sought for by the petitioner, at the time of hearing the Writ Petition, the learned counsel appearing for the petitioner restricted his relief and submitted that a direction may be issued to the respondents 1 and 2 to consider the representation dated 18.10.2021 and pass orders on the representation.

5.Mr.U.Baranidharan, learned Additional Government Pleader appearing for the 1st respondent and Mr.S.Yashwanth, learned Additional Government Pleader appearing for the respondents 2 and 3 separately contended that the pathway is in the land belonging to the temple. The representation of the petitioner will be considered on merits and order will be passed within the time stipulated by this Court.



6. Considering the above submissions and the contention of the learned counsel appearing for the petitioner that petitioner and other family members are using the pathway for more than 100 years, the respondents 1 and 2 are directed to consider the representation of the petitioner and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

gsa

To

1. The District Collector,
Namakkal District,
Namakkal.
2. The Joint Commissioner,
HR & CE Department,
Namakkal.
3. The Executive Officer,
Rasipuram Taluk, Athanur Amman Temple,
Namakkal District.

+1cc to Mr.K.Thiruvengadam, Advocate, S.R.No.19205
+1cc to the Government Pleader, S.R.No.19379,19518

W.P.No.3155 of 2022

NRL[co]
NSK 25/03/2022