



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P. No.4974 of 2022

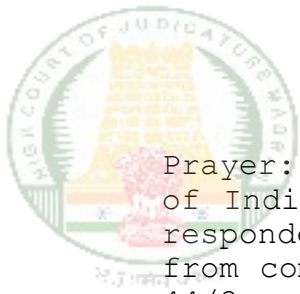
Ezhumalai

... Petitioner

vs

- 1.The District Collector,
Office of the District Collectorate,
Villupuram.
- 2.The Tahsildar,
Vikravandi Taluk Office,
Vikravandi.
- 3.The Block Development Officer,
Office of the Block Development Officer,
Kandamangalam,
Vikravandi Taluk.
- 4.The Village Administrative Officer,
Office of the Village Administrative Officer,
Mutrampattu Village,
Vikravandi Taluk.
- 5.K.Kuppusamy
- 6.S.Mayavan
- 7.E.Muruganantham
- 8.G.Padma
- 9.V.Gunasekaran
- 10.A.Angamuthu
- 11.V.Chinnasamy
- 12.G.Balu
- 13.A.Rogini

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 2nd and 3rd respondents to remove the encroachments of 5 to 13 respondents from common pathway bearing Survey Nos.45/3F, 45/7D, 44/11 and 44/3 situated at Mutrampattu Village, Vikravandi Taluk, Villupuram District by considering the petitioner's representation dated 01.12.2021.

For Petitioner : Mr.D.Dayalan

For Respondents : Mr.A.Selvendran,
Special Government Pleader
for R1 and R2

Mr.M.S.Premakumar,
Government Advocate for R3

ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioner has come to this Court for issuance of a writ of Mandamus seeking a direction to respondents 2 and 3 to remove the encroachments made by respondents 5 to 13 from common pathway bearing Survey Nos.45/3F, 45/7D, 44/11 and 44/3 situated at Mutrampattu Village, Vikravandi Taluk, Villupuram District by considering his representation dated 01.12.2021.

2.Learned counsel appearing for the petitioner submitted that the Survey No.45/3F is a common pathway from East to West and that respondents 5 to 13 have encroached the said common pathway by constructing houses. Due to the said encroachment, the general public in the said village could not use the pathway for common purpose and could not ingress and egress in the same and the rain water could not flow in proper manner, which only enters into the premises of the general public. In this regard, the petitioner sent a representation to respondents 1 to 4 on 01.12.2021. Since there is no response till now, the petitioner is before this Court for the above direction.

3.Learned Special Government Pleader appearing for respondents 1 and 2 submitted that on enquiry, if the official respondents come to know that private respondents have encroached in the common pathway, all the encroachments will be removed within a period of four weeks.

4.Since it is submitted by the petitioner that rain water could not flow in normal course and the same could enter into the premises of the general public, thereby affecting the health of the general public, we are inclined to issue suitable direction to the official respondents. Accordingly,



respondents 1 to 4 are directed to remove the encroachments, if any made by respondents 5 to 13, after giving notice to the necessary parties, within a period of four weeks from the date of receipt of a copy of this order. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vga

To

1. The District Collector,
Office of the District Collectorate,
Villupuram.
2. The Tahsildar,
Vikravandi Taluk Office,
Vikravandi.
3. The Block Development Officer,
Office of the Block Development Officer,
Kandamangalam,
Vikravandi Taluk.
4. The Village Administrative Officer,
Office of the Village Administrative Officer,
Mutrampattu Village,
Vikravandi Taluk.

+lcc to Mr.D.Dayalan, Advocate SR. No.14881

+lcc to Mr.M.S.Prem Kumar, Advocate SR. No.15965

+lcc to Government Pleader SR. No.15489

W.P.No.4974 of 2022

CP (CO)

PR (21/03/2022)