



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5955 OF 2022

R.K.Manickam

... Petitioner

.Vs.

1. The District Collector,
O/o. The District Collector,
Erode-District,
Erode.
2. The District Superintendent of Police,
O/o. The District Superintendent of Police,
Erode District,
Erode.
3. The Assistant Director,
Land Survey and Record Department,
Collector's Office,
Erode-Post& District.
4. The Tahsildar,
O/o. The Tahsildar,
Gobichettipalayam Post,
Erode District.
5. The Taluk Surveyor,
O/o. The Tahsildar,
Gobichettipalayam Post,
Erode District.
6. The Sub Inspector of Police,
Bagalapudur Police Station,
Bagalapudur Post,
Erode District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th and 5th respondents namely the Tahsildar, Gobichettipalayam and the



Taluk Surveyor, Gobichettipalayam to conduct the survey of the Pathway adjoining to the petitioner's land and others for free movement of cart, tract, etc with the help of the police based on the petitioner's representation dated 22.12.2021 situated in Survey NO.247/3A and 247/3C, Kongarpalayam B Village, Gobichettipalayam Taluk, Erode-District as per the proceedings of the 3rd respondent in O.M.Petition No.233/2021/E1 dated 29.12.2021.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.A.Anandan
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 4th and 5th respondents to conduct the survey of the Pathway adjoining to the petitioner's land and others for free movement of cart, tract, etc., with the help of the police based on the petitioner's representation dated 22.12.2021, situated in Survey NO.247/3A and 247/3C, Kongarpalayam B Village, Gobichettipalayam Taluk, Erode District as per the proceedings of the 3rd respondent in O.M.Petition No.233/2021/E1, dated 29.12.2021.

2. The learned Government Advocate takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the owner of the aforesaid property. There was a pathway adjoining to the petitioner's property. However, the 3rd party has encroached into the pathway, hence the free movement of the pathway is restricted by culprits. Hence, the petitioner made a complaint to the 2nd respondent on 22.12.2021, for removal of the said stones in the pathway. However, till date no orders have been passed. Hence, this writ petition is filed with the above said prayer.

4. The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues a direction to the 4th and 5th respondents to consider the petitioner's representation dated 22.12.2021 and pass orders within the time frame that may be stipulated by this Court.



WEB COPY

5. The learned Government Advocate appearing on behalf of the official respondents submitted that the petitioner's representation dated 22.12.2021, will be considered by the 4th and 5th respondents within a reasonable time that may be fixed by this Court.

6. Without going into the merits of the case, the 4th and 5th respondents are directed to consider the petitioner's representation dated 22.12.2021 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the aggrieved parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Psa

To

1. The District Collector,
O/o. The District Collector,
Erode-District,
Erode.
2. The District Superintendent of Police,
O/o. The District Superintendent of Police,
Erode District,
Erode.
3. The Assistant Director,
Land Survey and Record Department,
Collector's Office,
Erode-Post& District.
4. The Tahsildar,
O/o. The Tahsildar,
Gobichettipalayam Post,
Erode District.



5. The Taluk Surveyor,
O/o. The Tahsildar,
Gobichettipalayam Post,
Erode District.

WEB COPY

6. The Sub Inspector of Police,
Bagalapudur Police Station,
Bagalapudur Post,
Erode District.

+1cc to the Government Pleader, S.R.No.18018

W.P.NO.5955 OF 2022

SKM(CO)
PBS/31/03/2022