



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.7189 of 2022

D.Elaiyaperumal

.. Appellant

Versus

- 1.The District Collector,
Krishnagiri District.
- 2.The District Revenue Officer,
Krishnagiri District.
- 3.The Tahsildar,
Uthangarai Taluk,
Krishnagiri District.
- 4.The Village Administrative Officer,
Kizhmathur Village,
Andiyur Post,
Uthangarai Taluk,
Krishnagiri District.

5.Raja

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to direct the respondents 1 to 4 to consider the representation of the petitioner dated 19.02.2022 and consequently direct the respondents 3 and 4 to field inspect and remove the encroachment in the common pathway in respect of Survey Nos.239/6, 239/7B, 248/1, 249/1 of Kizhmathur Village, Andiyur Post, Uthangarai Taluk, to confirm the same as per circular dated 02.06.2010.

For Petitioner : Mr.R.Sathish Kumar

For R1 to R4 : Mr.A.Selvendran, Spl.GP



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JUDGMENT

(Judgment of the Court was delivered by T.RAJA, J.)

The petitioner/Mr.D.Elaiyaperumal has filed this writ petition seeking for issuance of a writ of mandamus to direct the respondents 1 to 4 to consider his representation dated 19.02.2022 and consequently direct the respondents 3 and 4 to conduct field inspection and then remove the encroachment made in Survey Nos. 239/6, 239/7B, 248/1, 249/1 of Kizhmathur Village, Andiur Post, Uthangarai Taluk, which is a common pathway.

2. It is submitted by the learned counsel for the petitioner that the petitioner being a resident of Kizhmathur Village, Uthangarai Taluk, Krishnagiri District, is well aware of the fact that there is a common pathway in Survey Nos.248/1, 249/1, 239/7B, 239/6 and by using this pathway, the residents of the above said Village would reach Kazhatamman Temple and Papathiamman Temple and it is also a pathway to reach Udhanjeri Lake. Whiles, the fifth respondent has encroached the land in the above said survey numbers unlawfully and thereby causing public nuisance to the road users. Therefore, a representation has been made on 19.02.2022 to the respondents 1 to 4 for removal of the encroachment, but, no action has been taken till date.

3. It is further submitted that in the 'A' register maintained by the Revenue Department, the above said survey numbers are shown as common pathway for public purpose. When a suit was filed by the fifth respondent in O.S.No.62 of 2011 seeking for permanent injunction, learned District Munsif-cum-Judicial Magistrate, Uthangarai, dismissed the said suit on 14.09.2016. Therefore, the official respondents shall not hesitate to remove the encroachment made in the above said common pathway.

4. Mr.A.Selvendran, learned Special Government Pleader, accepting notice for the respondents 1 to 4, sought for six weeks time to dispose of the pending representation dated 19.02.2022 of the petitioner in accordance with law.



5. In view of the above, considering the limited prayer of the petitioner, a direction is issued to the respondents 1 to 4 to consider the pending representation dated 19.02.2022 of the petitioner and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after issuing notice to all the aggrieved parties. With this direction, the writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

rkm

To

- 1.The District Munsif cum
Judicial Magistrate,
Uthangarai.
- 2.The District Collector,
Krishnagiri District.
- 3.The District Revenue Officer,
Krishnagiri District.
- 4.The Tahsildar,
Uthangarai Taluk,
Krishnagiri District.
- 5.The Village Administrative Officer,
Kizhmathur Village,
Andiyur Post,
Uthangarai Taluk,
Krishnagiri District.

+1cc to Mr.R.Sathish Kumar, Advocate SR.No.21953

+1cc to the Government Pleader, SR.No.21376

W.P.No.7189 of 2022

BS (CO)

CB(13/04/2022)