



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM

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

W.P.NO.8231 OF 2022

Varalakshmi

... Petitioner

-vs-

1. The District Collector,
Kallakurichi District.
2. The Revenue Tahsildhar,
Kallakurichi Taluk,
Kallakurichi District.
3. The Block Development Officer,
Thiyagadurgam,
Kallakurichi District.
4. The Deputy Block Development Officer (Zone-I),
Thiyagadurgam Panchayat Union,
Kallakurichi (Taluk) District.
5. The President,
Vilakkoor Panchayat,
New Colony, Vilakkoor Village,
Kallakurichi (Taluk) District.
6. Murugan
7. Marimuthu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 3 to remove the encroachment created by the respondents 6 and 7 on the common pathway in Survey No.147/7 situated at Vilakkoor Village, Kallakurichi (Taluk) District, by considering the petitioner's representation dated 15.02.2022 preferred before the respondents 1 to 5 in accordance with law, within a time stipulated by this Court.

For Petitioner : Mr.S.Mohamed Ansar



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For Respondents : Mr.A.Selvendran,
1 and 2 Spl.Govt.Pleader

For Respondents : Mr.R.P.Muruganraja,
3 and 4 Government Advocate

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 and 3 to remove the encroachment created by the respondents 6 and 7 on the common pathway in Survey No.147/7 situated at Vilakoor Village, Kallakurichi (Taluk) District, by considering the petitioner's representation dated 15.02.2022 preferred before the respondents 1 to 5 in accordance with law, within a time stipulated by this Court.

2. Learned Counsel appearing for the petitioner would submit that the petitioner's husband is working as Coolie at Bangalore and she has been residing along with her children and grand mother and her father-in-law Arumugam was owning a land in Survey No.28/3F to an extent of 0.05 cents situated at Vilakoor Village, Kallakurichi (Taluk) District. While so, the 3rd respondent has passed an order dated 05.01.2014 permitting her father-in-law to construct a house under Indhira Memorial Housing Scheme on the above said land. Accordingly, the petitioner's husband and father-in-law have constructed a house at the above said land and they are residing therein. They are using the common pathway in Survey No.147/7 to reach their house, which is a road poromboke as per the revenue records whereas the 6th respondent, who is the father of the 5th respondent and 7th respondent who is the son of 5th respondent closed the said pathway by creating encroachments with thorns and garbage with an intention to restrain the petitioner and her family members not to access the pathway. When the petitioner approached the respondents 6 and 7 not to do so, they have threatened the petitioner and her family members. Therefore, a detailed representation dated 30.07.2021 has been given to the Hon'ble Chief Minister of Tamil Nadu and other higher officials to take necessary action to clear the encroachments in the pathway. Thereafter, on 30.09.2021, the 1st respondent has forwarded his representation dated 30.07.2021 to the 2nd respondent to take action, but no action is forthcoming. Therefore, the petitioner has given yet another representation dated 15.02.2022 to the respondents 1 to 5. Finding no action from them, the present Writ Petition came to be filed.

3. Mr.A.Selvendran, learned Special Government Pleader taking notice for respondents 1 and 2 fairly submitted that the



representation of the petitioner dated 15.02.2022 would be considered after giving notice to the respondents 5 to 7 and others, if any and thereafter, if encroachment is found, the same would be removed, within a period of six weeks.

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4. Recording the said submission of the learned Special Government Pleader appearing for the respondents 1 and 2, the Writ Petition is disposed of. Needless to mention that before taking any action on the representation of the petitioner dated 15.02.2022, notice shall be given to the aggrieved persons and the entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this Order. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Kallakurichi District.
2. The Revenue Tahsildhar,
Kallakurichi Taluk,
Kallakurichi District.
3. The Block Development Officer,
Thiyagadurgam,
Kallakurichi District.
4. The Deputy Block Development Officer (Zone-I),
Thiyagadurgam Panchayat Union,
Kallakurichi (Taluk) District.
5. The President,
Vilakkoor Panchayat,
New Colony, Vilakkoor Village,
Kallakurichi (Taluk) District.

+1cc to Mr.S.Mohamed Ansar, Advocate, S.R.No.22963
+1cc to Mr.R.P.Muruganraja, Advocate, S.R.No.24073
+1cc to the Government Pleader, S.R.No.24111, 23648

W.P.No.8231 of 2022

PMK(CO)
PM/20/04/2022