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W.M.P.No.9728 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.4450 of 2022

M.Varadan

...Petitioner

Vs.

1. The District Collector,
Thirupoathur.
 2. The Chief Surveyor of Lands,
Tahsildar Office,
Nattarampalli Taluk,
Thirupattur District - 635 854.
 3. The Tahsildar,
Nattarampalli Taluk,
Nattarampalli,
Thirupattur District - 635 854.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 herein to consider the representation dated 25.01.2022 of the petitioner and survey the lands in Survey No.122/2, 122/3F and 122/D and demarcate the pathway passing through the aforesaid lands.

For petitioner

: Ms.AL.Ganthimathi



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For Respondents

: Mr.G.Nanmaran
Special Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the second and third respondents to consider the representation dated 25.01.2022 of the petitioner and survey the lands in Survey No.122/2, 122/3F and 122/D and demarcate the pathway passing through the aforesaid lands.

2. Mr.G.Nanmaran, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by 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 property comprised in Survey.Nos.122/2, 122/3F and 122/D measuring an extent of 56 Cents, situated at Mornapalli Village, Hosur Taluk, Krishnagiri District. However, the owners of the adjacent lands, encroached upon the pathway and are trying to put up a permanent structure enclosed to petitioner's lands. Hence, the petitioner made a representation on



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25.01.2022 to respondents 2 and 3 to measure and demarcate the pathway for the above said property. However, till date no action has been taken by the respondents on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the second and third respondents to consider the petitioner's representation dated 25.01.2022 within the time frame that may be fixed by this Court.

5. The learned Government Advocate appearing for the respondents submits that the petitioner's representation dated 25.01.2022 will be considered by the second and third respondent within the time frame that may be fixed by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the second and third respondents to consider the petitioner's representation dated



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25.01.2022, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity to neighbours.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

01.03.2022

Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order
tri/nhs

To

1. The District Collector,
Thirupoathur.
2. The Chief Surveyor of Lands,
Tahsildar Office,
Nattarampalli Taluk,
Thirupattur District - 635 854.
3. The Tahsildar,
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Thirupattur District - 635 854.

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This Court, vide, order dated 01.03.2022 had disposed of the main Writ petition. However, the present Miscellaneous petition has been filed, in order to to carry out certain corrections in the affidavit, which was inadvertently committed by the petitioner and to further make necessary corrections in the order dated 01.03.2022, pursuant to the aforesaid corrections.

2. In view of the fair submission made by the learned counsel for the petitioner that in the whole of the affidavit as also in the prayer in the Writ petition, instead of cart track, it has been erroneously mentioned as pathway, this Court directs that wherever the word "pathway" appearing in



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the affidavit filed in support of the Writ petition in W.P.No.4450 of 2022 and also in the prayer in the Writ petition, which has reflected in the order dated 01.03.2022, the same shall stand read as "cart track".

3. Insofar as the inadvertent typographical error appearing in para-3 of the order dated 01.03.2022 is concerned, the words "measuring an

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extent of 56 cents, situated at Mornapalli Village, Hosut Taluk, Krishnagiri District", as appearing in the second and third line of para-3 of the order dated 01.03.2022 shall stand replaced with "situated at Mallappalli Village, Nattarampalli Taluk, Thirupattur District".

4. Registry is directed to make the necessary correction/modification in the order dated 01.03.2022 as aforesaid and issue fresh order copy to the parties.

01.07.2022
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