



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2022

CORAM :

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.No.12175 of 2022
and
WMP.No.11624 of 2022

R.Sudhakar

..Petitioner

Vs.

1. The District Collector
Ranipettai District.
2. The Revenue Divisional Officer
Ranipettai, Ranipettai District.
3. The Tahsildar
Walajah Taluk
Ranipettai District.
4. The Block Development Officer
Walajah Block Office
Ranipettai District.
5. The Junior Engineer
Tamil Nadu Electricity Board
Rural Section/Vellore Electricity Distribution Circle
Ranipettai.

6. K.Baskar

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 to 4 to remove the illegal encroachment put up by the sixth respondent on the common foot path passing adjoining to Survey No.126/2C at Thengal Village, Walajah Taluk, Ranipettai District, based on the petitioner's representation dated 19.10.2021 and the first respondent communication dated 29.10.2021 vide Oo.Mu.C3/11475/2021 to the third respondent within a stipulated time as fixed by this Court.



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For the Petitioner : Mr.A.Suresh Sakthi Murugan

For the Respondents : Mr.A.Selvendran
Special Government Pleader
for respondents 1 to 4

Mr.L.Jai Venkatesh
for respondent 5

ORDER

(Order of the Court was made by R.Mahadevan,J)

The petitioner has come forward with this writ petition praying to issue a writ of mandamus directing the respondents 1 to 4 to remove the illegal encroachment made by the sixth respondent on the common footpath adjoining the land in Survey No.126/2C at Thengal Village, Walajah Taluk, Ranipettai District, based on his representation dated 19.10.2021 and the communication dated 29.10.2021 of the first respondent addressed to the third respondent within a time to be specified by this court.

2.According to the petitioner, in Thengal Village, Walajah Taluk, Ranipettai District, where he is residing, there is a common footpath passing through the lands in Survey Nos.126, 127, 129, 131, 119, 118, 105, 106, 229, 230, 266, 269 and 270 from Bajanai Koil Street. It is further stated that this footpath is being used by the Villagers for so many decades. Even in the village map issued by the Assistant Director of Survey and Land Records, the lands mentioned above have been recorded as footpath. It is also stated that the revenue authorities have issue Natham house site pattas to eligible persons in the Village out of whom the father of the sixth respondent was one of the beneficiaries. After the demise of his father in the year 2018, the sixth respondent made application for transfer of patta in his name and patta was also transferred in his name only in respect of land measuring 245 square meters and not 312 sq.m. However, he started putting up a new construction by encroaching the footpath by putting up gate, floor, portico and compound wall and thereby caused obstruction to the common way. Further, he is attempting to persuade the Electricity Board Officials to shift the electric pole no.5 at Bajanai Koil Street in front of his house. Therefore, the petitioner submitted a representation dated 19.10.2021 to the respondents 1 to 4 for removal of such encroachment. Upon receipt of the same, the first respondent by a communication dated 29.10.2021 directed the third respondent to conduct a survey and submit a report. In spite of such direction issued by



the first respondent, no action has been taken by the third respondent, which compelled the petitioner to file this writ petition.

3. Heard the learned counsel for the petitioner, who submitted that the petitioner has already made a representation to the respondent authorities for removal of encroachment made by the sixth respondent and the first respondent has also given direction to the third respondent in this regard. However, till date, no fruitful action is forth coming. Therefore, the learned counsel prayed for a direction to the third respondent by considering the petitioner's representation, for which, there is no serious objection on the side of the respondents.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court, without going into the merits of the case, directs the third respondent to consider the representation of the petitioner dated 19.10.2021 for removal of the alleged encroachment made in the public pathway, by the sixth respondent, which was forwarded by the first respondent vide communication in Oo.Mu.No.C3/11475/2021 dated 29.10.2021, and take appropriate action, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, sixth respondent as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of accordingly. There will be no order as to costs. Consequently, WMP No.11624 of 2022 is also closed.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

kpl/RS

To:

1. The District Collector
Ranipettai District.

2. The Revenue Divisional Officer
Ranipettai, Ranipettai District.



3.The Tahsildar
Walajah Taluk
Ranipettai District.

4.The Block Development Officer
Walajah Block Office
Ranipettai District.

5.The Junior Engineer
Tamil Nadu Electricity Board
Rural Section/Vellore Electricity Distribution Circle
Ranipettai.

+1cc to Mr.A.Suresh Sakthi Murugan, Advocates SR. No. 31233

W.P.No.12175 of 2022

BR (CO)
PR (02/06/2022)