



WEB COPY



W.P.No.26759 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26759 of 2022 and
W.M.P.No.25813 of 2022

1. N.Govindarajan
2. K.Velu

... Petitioners

VS.

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Revenue Divisional Officer,
Tiruttani Division,
Thiruvallur District.
3. The Block Development Officer,
Thiruvallur District,
Thiruvallur.
4. The Commissioner,
Town and Country Planning Department,
Thiruvallur District.
5. The Tahsildar,
Tiruttani Taluk,
Tiruttani, Thiruvallur District.



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6. The President,
Tiruttani Town,
Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the fifth and sixth respondents to consider the petitioner's representation dated 26.08.2020 and 05.09.2020 and not to construct or close the pathway in using the petitioner in Survey No.265/11, New S.No.265/15, Tiruttani Village, Thiruvallur District.

For Petitioners : Mr.M.Selvam

For R3 and R6 : Mr.Stalin Abhimanyu
Additional Government Pleader

RR 1, 2, 4 and 5 : Mr.Baranidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the fifth and sixth respondents to consider the petitioners representations dated 26.08.2020 and 05.09.2020 and not to construct or close the pathway used by the petitioners in Survey No.265/11, New S.No.265/15, Tiruttani Village, Thiruvallur District.



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2. It is the case of the petitioners that petitioners and others are in possession of the properties in S.Nos.265/3B2, 265/4, 265/5, 265/6, 265/7, 265/8, 265/9 situated in above said Village and the petitioners were using two pathways which are adjacent to the abovesaid properties, wherein one pathways leads through S.S.Puram and another pathway is a Poramboke land comprised in S.No.265/11. As the said pathway was encroached by some politicians, which is registered by way of forged documents and said issue was brought to the notice of Government, inspite of the same, the said pathway was closed for the purpose of construction of new bus stand. Seeking to restore the above said pathway to its original position, the petitioners and others made representations dated 26.08.2020 and 05.09.2020 before the respondents 1 to 4, which remained unanswered. Hence the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel appearing on behalf of the petitioners submits that it would suffice if this Court issues direction to the fifth and sixth respondents to consider the petitioners' representations dated 26.08.2020 and 05.09.2020



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and pass appropriate orders on merits and in accordance with law within a particular time frame to be fixed by this Court.

4. It is submitted by the learned Additional Government Pleader appearing for the respondents 1,2,4 and 5 that admittedly the pathway comprised in S.No.265/11 is classified as "Parai Poramboke land" and not "Government Poramboke land". Therefore the petitioners representations will be considered, if not already considered and appropriate orders will be passed.

5. Learned counsel appearing for the respondents 3 and 6 has no objection for the said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the petitioners to send a copy of the representations dated 26.08.2020 and 05.09.2020 along



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with a copy of this order to the fifth and sixth respondents and upon receipt of which, the fifth and sixth respondents are directed to pass appropriate orders by considering the petitioners representation, if not already considered on merits and in accordance with law after affording an opportunity of hearing to the petitioners as well as aggrieved persons, if any, within a period of twelve weeks thereafter.

7. With the above observation and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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RAP

Index : Yes/No
Speaking order : Yes/No



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To:

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M.DHANDAPANI, J.



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RAP

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