



W.P.No.31913 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

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P.Rajavel

.. Petitioner

Vs

- 1 The District Collector,  
District Collector Office,  
Kallakurichi.
- 2 The District Revenue Officer,  
District Revenue Office,  
Kallakurichi.
- 3 The Tahsildar,  
Sankarapuram Taluk Office,  
Kallakurichi District.
- 4 The Revenue Inspector,  
Alathur,  
Sangarapuram Taluk,  
Kallakurichi District.



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5 The Village Administrative Officer,  
Ranganathapuram Village,  
Ariyaperumannur,  
Sangarapuram Taluk,  
Kallakurichi District.

6 N.Kuppan

7 The State,  
rep. by the Inspector of Police,  
Kallakuruchi Police Station,  
Kallakurichi District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to remove the encroachment of common pathway comprised in Natham Survey No.201/18, Ranganathapuram Village, Sankarapuram Taluk, Kallakurichi District based on the proceedings No.UM/257/2022, dated 12.09.2022 passed by the 4<sup>th</sup> respondent, the encroachment by the 6<sup>th</sup> respondent pursuant to the petitioner's representation dated 11.07.2022.

For the Petitioner : Mr.T.Balachandran

For the Respondents : Mr.P.Muthukumar  
State Government Pleader  
for respondents 1 to 5 & 7



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ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

P.Rajavel, son of Periyasamy, has filed this writ petition seeking issuance of a writ of mandamus to direct the respondents to remove the encroachment made by the sixth respondent on the common pathway comprised in Natham Survey No.201/18, Ranganathapuram Village, Sankarapuram Taluk, Kallakurichi District, based on the proceedings No.UM/257/2022, dated 12.09.2022 issued by the 4<sup>th</sup> respondent and the representation of the petitioner dated 11.07.2022.

2. Before learned counsel for the petitioner commenced his argument, Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents 1 to 5 and 7, placed on record an order dated 6.9.2022 passed in W.P.No.23440 of 2022 filed by the petitioner and submitted that the previous writ petition filed by the petitioner seeking identical relief was dismissed on the premise



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that he has filed the writ petition in personal interest and not in public interest. It is also submitted that throwing garbage on the pathway and placing a stick or pole on the pathway cannot be construed as an encroachment and if the petitioner is aggrieved by the same, he has to approach the competent authority.

3. Learned counsel for the petitioner submitted that although the previous writ petition filed by him was dismissed on 6.9.2022 stating that he has not come to this court to ventilate any public cause, but with personal interest, pursuant to the aforesaid order, the fourth respondent passed an order dated 12.9.2022 to the effect that there is an encroachment over the land comprised in S.No.201/18 - 0.08.19 sq. mtrs., which is classified as pathway and, therefore, it is the bounden duty of the respondent authorities to remove the encroachment on the pathway.

4. At this juncture, learned State Government Pleader submitted that the respondent authorities may be granted two weeks' time to consider the representation of the petitioner dated



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11.7.2022 in the light of the proceedings of the fourth respondent dated 12.9.2022 and take necessary action in the matter in accordance with law.

5. After considering the submissions made by learned counsel on either side, we dispose of the writ petition with a direction to the respondent authorities to consider the representation of the petitioner dated 11.7.2022 in the light of the proceedings of the fourth respondent dated 12.9.2022 and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)  
30.11.2022

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T.RAJA, ACJ.  
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(sasi)

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