



W.P.No.33488 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE PARESH UPADHYAY

W.P.No.33488 of 2022

Arumugam

.. Petitioner

VS

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Tahsildar,
Taluk Office,
Tiruvannamalai Taluk,
Tiruvannamalai District.
3. The Taluk Surveyor,
Survey Office,
Tiruvannamalai Taluk,
Tiruvannamalai District.
4. The Village Administrative Officer,
Inamkaariyanthal Village,
Tiruvannamalai Taluk,
Tiruvannamalai District.

5. Murugan

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the 3rd respondent to conduct a survey of pathway, earmarked as "Nilaviyal Pathai" in Survey Number 3/3B and the Survey No.2/4A and consequently directing the 1st respondent to consider the petitioner representation dated 30.07.2022 and thereby removing the fencing put up in Survey No.3/3B and Survey No.2/4A of Vengayavellore Village, Tiruvannamalai Taluk and District by the 5th respondent obstructing the devotee from praising the lord Vayuputhra Aanchaneyar Temple, Lakshmi Narasimhar Temple and Sivan Temples located in Vengayavellore Village within the time fixed by this Court.

For the Petitioner : Mr.K.Silambarasan

For the Respondents : Mr.P.Muthukumar
State Government Pleader for
respondents 1 to 3

ORDER

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

Arumugam, son of Ponnusamy, a resident of Vengayavellore Village, Tiruvannamalai Taluk, being aggrieved by the blockage of public road earmarked as "Nilaviyal Pathai" in Survey No.3/3B and Survey No.2/4A situated at Vengayavellore Village, has filed the instant writ petition for issuance of a writ of mandamus directing the third respondent to conduct a survey of the said pathway and remove the fencing put up by the fifth respondent obstructing the devotee from worshipping in the Lord Vayuputhra Aanchaneyar Temple, Lakshmi



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Narasimhar Temple and Sivan Temples located in the said village by considering the representation of the petitioner dated 30.7.2022.

2. In support of the prayer made in the writ petition, the petitioner has enclosed photographs and copies of "A" register, wherefrom we can see that the lands covered in Survey No.2/4A and Survey No.3/3B are classified as "Nilaviyal Pathai".

3. At this stage, learned State Government Pleader appearing for respondents 1 to 3, submitted that the grievance of the petitioner appears to be genuine and the same would be looked into by the respondent authorities by considering the representation of the petitioner dated 30.7.2022 within a stipulated time.

4. In view of the above, we direct the respondent authorities to conduct a survey of the pathway earmarked as "Nilaviyal Pathai" in Survey No.3/3B and Survey No.2/4A and if any encroachment is found, the same shall be removed in accordance with law after notice to all concerned. The aforesaid exercise is directed to be completed by the respondent authorities within a period of six weeks from the date



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of receipt of a copy of this order.

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5. With the above direction and observation, the writ petition is disposed of. There will be no order as to costs.

(T.R., ACJ.) (P.U., J.)
13.12.2022

Index : Yes/No
bbr

To:

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Tahsildar,
Taluk Office,
Tiruvannamalai Taluk,
Tiruvannamalai District.
3. The Taluk Surveyor,
Survey Office,
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Tiruvannamalai District.
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T.RAJA, ACJ.
AND
PARESH UPADHYAY, J.

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