



WEB COPY

W.P(MD)No.10938 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MRS.JUSTICE S.SSRIMATHY**

W.P(MD)No.10938 of 2022

M.Rajaraja Cholan

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The District Revenue Officer,
Dindigul, Dindigul District.
- 3.The Revenue Divisional Officer,
Dindigul, Dindigul District.
- 4.The Block Development Officer,
Ammayanayackanur Town Panchayat,
Nilakottai Taluk, Dindigul District.
- 5.The Tahsildar,
Nilakottai Taluk Office,
Nilakottai, Dindigul District.
- 6.The Village Administrative Officer,
Oruthattu Revenue Village,
Nilakottai Taluk,
Dindigul District.
- 7.A.Durairaj

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 6 herein to take appropriate action to remove the encroachment made by the 7th Respondent besides all other encroachment in the public village cart track (Sirumalai Pathai) runs between the service road of Ammayanayackanur, Nilakottai Taluk, Dindigul District four way track road to Karukkatchi Odai, Oruthattu Revenue Village, Ammayanayackanur, Nilakottai Taluk, Dindigul District.

For Petitioner

: Mr.A.Saravanan

For Respondents 1 to 3,
5 & 6

: Mr.N.Satheesh Kumar
Additional Government Pleader



For Respondent No.4

: Mr.J.Ashok
Additional Government Pleader

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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

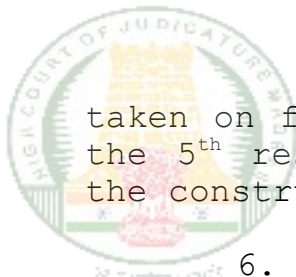
This writ petition is filed for issuing a Writ of Mandamus, directing the respondents 1 to 6 herein to take appropriate action to remove the encroachment made by the 7th Respondent besides all other encroachment in the public village cart track (Sirumalai Pathai) runs between the service road of Ammayanayackanur, Nilakottai Taluk, Dindigul District four way track road to Karukkatchi Odai, Oruthattu Revenue Village, Ammayanayackanur, Nilakottai Taluk, Dindigul District.

2. It is the case of the petitioner that he owns agricultural lands in Survey No.613/2 to an extent of 0.33.50 hectares and Survey No.653/3 to an extent of 0.25.50 hectares in Oruthattu Revenue Village, Nilakottai Taluk, Dindigul District. It is his specific case that there is a public village cart track (Sirumalai Pathai) which runs between the service road of Ammayanayackanur four way track road and Karukkatchi Odai, Oruthattu Revenue Village.

3. The grievance of the petitioner is that there is no other road for the petitioner and other agriculturists to reach their respective agricultural lands except the public cart track running through Survey Nos.651, 652, 653/1, 614 to 622 in the same village. Stating that the 7th respondent has encroached the cart track, by constructing a Sonai Temple and preventing the petitioner and other residents of the village from using the public pathway, the petitioner has approached this Court for removal of encroachment.

4. Heard Mr.A.Saravanan, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 1 to 3, 5 and 6 and Mr.J.Ashok, learned Additional Government Pleader appearing for the 4th respondent. Though the encroacher/7th respondent is not served, having regard to the nature of order proposed by this Court, no prior notice to 7th respondent is required.

5. From the typed set of papers, it is seen that the petitioner has submitted a representation to the District Collector and other revenue officials on 29.11.2021, requesting the revenue officials to remove the encroachments made by the 7th respondent by putting up a small temple across public cart track and the same was



taken on file by the 5th respondent Tahsildar and it is stated that the 5th respondent had already directed the 7th respondent to stop the construction and shift the construction to some other place.

6. If the property is classified as cart track as per the revenue records or the public uses it as a cart track for a long time, it is the duty of the revenue officials to maintain the cart track for the use of public to have free ingress and egress. No private individual or a temple can obstruct the pathway, which is in the use of public.

7. Having regard to the representation of the petitioner dated 29.11.2021 and the follow up action taken by the 5th respondent, this Court directs the 5th respondent to consider the representation that may be filed independently by the petitioner within two weeks from today and pass appropriate orders and take necessary action after giving fair opportunity to the 7th respondent and holding proper enquiry by making a spot inspection. In case, the 7th respondent has encroached into the public cart track, the same shall be removed and the revenue officials are directed to ensure that the public cart track is restored and maintained. The whole exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The District Revenue Officer,
Dindigul, Dindigul District.
- 3.The Revenue Divisional Officer,
Dindigul, Dindigul District.



4.The Block Development Officer,
Ammayanayackanur Town Panchayat,
Nilakottai Taluk, Dindigul District.

5.The Tahsildar,
Nilakottai Taluk Office,
Nilakottai, Dindigul District.

6.The Village Administrative Officer,
Oruthattu Revenue Village,
Nilakottai Taluk,
Dindigul District.

+1 CC to M/s.R.THANGAPANDIAN, Advocate (SR-24766[F] dated 09/06/2022)

+1 CC to M/s.SPL.GP (SR-25161[F] dated 10/06/2022)

W.P (MD) No.10938 of 2022

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