



WEB COPY

**W.P(MD)No.11186 of 2022**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2022

CORAM:

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

and

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

W.P(MD)No.11186 of 2022

Tamilselvan

... Petitioner

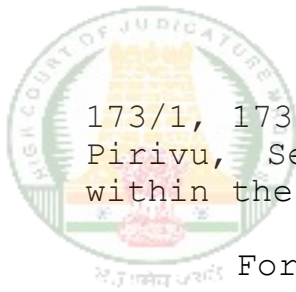
Vs.

- 1.The District Collector,  
Dindigul District, Dindigul.
- 2.The District Revenue Officer,  
Dindigul District, Dindigul.
- 3.The Revenue Divisional Officer,  
Dindigul District, Dindigul.
- 4.The Tahsildar,  
Athur Taluk, Dindigul District.
- 5.The Block Development Officer,  
Athur Taluk, Dindigul District.
- 6.The President,  
Seevalsaraku Panchayat,  
Athur Taluk, Dindigul.
- 7.The Secretary,  
Seevalsaraku Panchayat,  
Athur Taluk, Dindigul.
- 8.The Village Administrative Officer,  
Seevalsaraku Panchayat,  
Athur Taluk, Dindigul.
- 9.Chellaperumal
- 10.Jayaraman
- 11.Murugesan
- 12.Tharmaraj
- 13.Shanmugavel
- 14.Aatham
- 15.Ansari

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to remove the encroachment made by the respondents 9 to 15 and some other village persons in Survey Nos.181, 180, 179, 174/2, 174/1,

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173/1, 173/2, 177/54 and 177/2 common pathway (Vandipathai) in Athur Pirivu, Seevalsarakku Panchayath, Athur Taluk, Dindigul District within the period that may be stipulated by this Court.

For Petitioner :Mr.P.Manikandan  
For R1 to R4 and R8 :Mr.S.P.Maharajan  
Special Government Pleader  
For R5 and R6 :Mr.A.K.Manikkam  
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 issuance of a Writ of Mandamus to direct the official respondents to remove the encroachment made by the respondents 9 to 15 and some other village persons in Survey Nos.181, 180, 179, 174/2, 174/1, 173/1, 173/2, 177/54 and 177/2 common pathway (Vandipathai) in Athur Pirivu, Seevalsarakku Panchayath, Athur Taluk, Dindigul District within a period that may be stipulated by this Court.

2.Heard Mr.P.Manikandan, learned Counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader, who takes notice on behalf of the respondents 1 to 4 and 8 and Mr.A.K.Manikkam, learned Additional Government Pleader for respondents 5 and 6.

3.It is the case of the petitioner that the properties comprised in the survey numbers referred to in the prayer are being used as a pathway by the villagers for a long years and that there is no other access available to the villagers to reach the main road. However, it appears that the individuals, who have patta in respect of the lands in the survey fields mentioned in the prayer are causing hindrance and made obstruction by blocking the cart track on the basis of their patta.

4.It is in these circumstances, the petitioner has given a representation on 28.03.2022 to the District Collector and various other revenue officials to take action against the encroachers and to remove the encroachment obstructing the pathway, which is being enjoyed by the agriculturalists and public as a matter of right for all these years.

5.Though the petitioner seeks for a positive direction in the petition, the learned Counsel for the petitioner submitted that the petitioner will be satisfied, if a direction is issued to the official respondents to consider his representation, dated 28.03.2022 and to give a further direction to the official respondents to pass appropriate orders or to take appropriate action on merits after hearing the encroachers.



6.Having regard to the limited scope of prayer, that is now sought for by the learned Counsel for the petitioner, without expressing any opinion on the merits of the representation of the petitioner or the averments made in the affidavit filed in support of this Writ Petition, the fourth respondent is directed to identify the cart track, if it is existence as per the revenue records. In case, the cart track is in existence, as per the FMB (detailed in FMB), the fourth respondent is directed to restore the cart track. If there is any serious disputes, as to the existence of the pathway or cart track and there is no revenue documents to show or establish the existence of cart track for a long number of years, it is open to the petitioner or anyone aggrieved to approach the Civil Court for appropriate relief. The fourth respondent is directed pass appropriate orders on merits and in accordance with law after holding an enquiry and hearing the petitioner and other persons, who are claiming title over the pathway, within a period of six months from the date of receipt of a copy of this order

7.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Admn.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Cmr

To

- 1.The District Collector,  
Dindigul District, Dindigul.
- 2.The District Revenue Officer,  
Dindigul District, Dindigul.
- 3.The Revenue Divisional Officer,  
Dindigul District, Dindigul.
- 4.The Tahsildar,  
Athur Taluk, Dindigul District.
- 5.The Block Development Officer,  
Athur Taluk, Dindigul District.

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6.The Village Administrative Officer,  
Seevalsaraku Panchayat,  
Athur Taluk, Dindigul.

+1 CC to M/s.A.K.MANIKKAM, Advocate ( SR-25059[F] dated 10/06/2022 )

+1 CC to M/s.SPL GP ( SR-25431[F] dated 13/06/2022 )

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SS(20/06/2022) 4P 9C