



W.P.(MD)No.22871 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.22871 of 2022

M.Sivagnanam

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Paramakudi Revenue Division,
Paramakudi,
Ramanathapuram District.
- 3.The Tahsildar,
Muthukulathur Taluk,
Muthukulathur,
Ramanathapuram District.
- 4.P.Manonmani

5.Sathiyakala

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 3rd respondent to remove the encroachment made by the 4th and 5th respondents in Survey No. 412/27 and 412/28 of Vennirvaikkal Village, Muthukulathur Taluk and restore the public pathway as a matter of



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implementing the order passed by the 2nd respondent in his proceedings Pa.Mu.P1/4645/2020 dated 04.05.2022 as well as based on the petitioner representation dated 09.05.2022 and 08.08.2022 submitted to the 3rd respondent in person and on grievance day within the time limit that may be stipulated by this Honble Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents 1 to 3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the 3rd respondent to remove the encroachment made by the 4th and 5th respondents in Survey Nos. 412/27 and 412/28 of Vennirvaikkal Village, Muthukulathur Taluk and to restore the public pathway by implementing the order passed by the 2nd respondent in his proceedings in Pa.Mu.P1/4645/2020 dated 04.05.2022 as well as based on the petitioner's representations dated 09.05.2022 and 08.08.2022 respectively, submitted to the 3rd respondent in person and on the grievance day within a time frame.



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2. Heard Mr.G.Thalaimutharasu, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Claiming that the third respondent inadvertently issued free house-site patta to the respondents 4 and 5 in respect of a public pathway used by the petitioner, running southern side of Survey Nos.412/27 and 412/28 of Vennirvaikkal Village, Muthukulathur Taluk, and the appeal filed by the petitioner against such issuance of patta before the second respondent was allowed on 04.05.2022 after full-fledged enquiry, cancelling the patta issued to the respondents 4 and 5 and directing the 3rd respondent to restore the public pathway, the petitioner submitted representations to the third respondent dated 09.05.2022 and 08.08.2022 respectively, to implement the order passed by the 2nd respondent dated 04.05.2022, pursuant to which, the third respondent vide his proceedings dated 15.06.2022, directed the Village Administrative Officer of Vennirvaikkal Village to conduct a field inspection and to survey the said lands and to take appropriate



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steps to restore the public pathway, which, according to the learned counsel for the petitioner, is not acted upon.

4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied if a direction is issued to the third respondent – Tahsildar to consider the representations of the petitioner dated 09.05.2022 and 08.08.2022 respectively in the light of the order passed by the 2nd respondent dated 04.05.2022.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representations or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the third respondent to consider the representations of the petitioner dated 09.05.2022 and 08.08.2022 respectively, in the light of the order passed by the 2nd respondent dated 04.05.2022, after affording an opportunity of hearing to the petitioner, respondents 4 and 5 and all other parties concerned and pass appropriate orders on merits and in accordance with law. Such an exercise shall be completed within



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a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
29.09.2022

Internet : Yes / No
Index : Yes / No
sj

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
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Ramanathapuram District.
- 3.The Tahsildar,
Muthukulathur Taluk,
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Ramanathapuram District.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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