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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.25346 of 2022

A.Senthil Kumar ... Petitioner

-Vs-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

3.The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.

4.The Head Surveyor,
Taluk Office,
Thiruchuli,
Virudhunagar District.

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5.The Superintending Engineer,
Virudhunagar DEC,
TANGEDCO,
Ramamoorthy Road,
Virudhunagar – 626 001.

6.M.Rajendran ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to remove all the encroachments made by the 6th respondent in the public pathway namely Vandipathai in Survey No. 102/2, 107/3 and 140/2 in V.Pudur Village, which is located in Thiruchuli Taluk of Virudhunagar District and consequently directing the 5th respondent to shift the two electric poles erected by the 5th respondent obstructing the public pathway namely Vandipathai in Survey Nos. 102/2 and 107/3 in V.Pudur Village, Thiruchuli Taluk of Virudhunagar District to some other place and restore the same as per the land revenue field map records by considering the petitioner's representation dated 16.08.2021.

For Petitioner : Mr.G.Balasubramani
For R1 to R3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.
For R5 : Mr.S.Deenadhayalan

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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed, seeking a Writ of Mandamus, directing the respondents 1 to 5 to remove all the encroachments made by the 6th respondent in the public pathway namely "Vandipathai" in Survey Nos.102/2, 107/3 and 140/2 in V.Pudur Village, which is located in Thiruchuli Taluk of Virudhunagar District and consequently direct the 5th respondent to shift the two electric poles erected therein obstructing the said public pathway, to some other place and restore the public pathway as per the revenue records, by considering the petitioner's representation dated 16.08.2021.

2. Heard Mr.G.Balasubramani, learned counsel appearing for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the respondents 1 to 4 and Mr.S.Deenadhayalan, learned Counsel, who takes notice for the fifth respondent. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the sixth respondent is dispensed with.

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3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. It is the claim of the petitioner that the fifth respondent erected the electric poles with power supply in the public pathway namely "Vandipathai" in the aforesaid survey number, without considering the objection of the petitioner and the villagers. Taking advantage of the same, the sixth respondent has encroached the public pathway by laying stones and planting trees in the aforesaid survey number and in this regard, though the petitioner made a representation on 16.08.2021, seeking removal of the aforesaid encroachment, till date, the respondents have not taken any steps to remove the said encroachment. Hence, the petitioner has filed this Writ Petition.

5. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the representation of the petitioner dated 16.08.2021 would be considered by the official respondents and appropriate action will be taken to remove the said encroachment, if any, in the place in question, for which, the learned counsel for the petitioner is agreeable.

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6. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to consider and dispose of the representation of the petitioner dated 16.08.2021, on merits and in accordance with law. If there is any encroachment in the place in question, the authorities concerned shall remove the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
08.11.2022

Index : Yes / No
Internet : Yes / No
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