



W.P.(MD)No.27063 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

CORAM

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

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S.Vairavan

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District.
- 2.The Tahsildar,
Tenkasi Taluk,
Tenkasi District.
- 3.The Village Administrative Officer,
Keelakadayam Part-I,
Tenkasi District.
- 4.The Revenue Inspector,
Kadayam Sub Division,
Tenkasi Taluk,
Tenkasi District.

5.A.Murugesan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents No. 1 to 4 to restore and retain the character of Boosthudhi Odai / Public Pathway available in Survey Nos.809/1, 809/2 and 809/3



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Keelakadayam Village, Tenkasi Taluk, Tenkasi District for enabling the public to make use of the same and to have their ingress and egress for all purposes pursuant to the petitioner's representation dated 09.08.2021 as expeditiously as possible within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Anand

For Respondents 1 to 4 : Mr.P.Thilak Kumar
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 respondents 1 to 4 to restore and retain the character of Boosthudhi Odai / Public Pathway available in Survey Nos.809/1, 809/2 and 809/3 Keelakadayam Village, Tenkasi Taluk, Tenkasi District, to enable the public to make use of the same and to have their ingress and egress for all purposes pursuant to his representation dated 09.08.2021, as expeditiously as possible within a time frame.

2. Heard Mr.R.Anand, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 4. By consent of



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both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 5th respondent is dispensed with.

4. Alleging that there is a Boosthudhi Odai / Public Pathway available in Survey Nos.809/1, 809/2 and 809/3 Keelakadayam Village, Tenkasi Taluk, Tenkasi District, and the petitioner and other villagers, whenever the rain water had not been there, used the same for taking their agricultural produces and to have their cattle to reach the place of grazing and now, some people, headed by the 5th respondent, are obstructing their ingress and egress through the said pathway, the petitioner submitted a representation to the official respondents on 09.08.2021, and though the 1st respondent has directed the 2nd respondent to look into the same and on 12.03.2022, 2nd respondent submitted a report that there is a concrete Boosthudhi Odai, according to the learned counsel for the petitioner, no further step has been taken. Hence, the Writ Petition.



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5. 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 1st respondent to dispose of his representation dated 09.08.2021, within a time frame.

6. 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 representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the 1st respondent to consider the representation of the petitioner dated 09.08.2021, and pass appropriate orders on merits and in accordance with law, after issuing notice and affording an opportunity of hearing to the petitioner, the 5th respondent and all other parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
30.11.2022

Index : Yes / No
sj



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To

WEB COPY

- 1.The Chief Secretary to the Government,
Secretariat,
Chennai – 600 009.
- 2.The Secretary to Government,
Law Department,
Secretariat,
Chennai – 600 009.
- 3.The Secretary to the Home Deartment,
Law Department,
Secretariat,
Chennai – 600 009.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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