



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 02.12.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.27359 of 2022

A.G.Bullet Backiyaraj

..Petitioner

Vs

1.The District Collector,
Trichy.

2.The Revenue Divisional Officer,
Collectorate Compound,
Cantonment,
Trichy.

3.The Block Development Officer,
Tiruverumbur.

4.The Tahsildar,
Tiruverumbur Taluk office,
BHEL Post,
Trichy.

5.The President,
Cholamadevi Village Panchayat,
Cholamadevi Village, Navalpattu,
Trichy District

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to conduct an enquiry and thereby take action against the fifth respondent by considering the representation of the Petitioner, dated 8.9.2022 within the time frame fixed by this Court.



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For Petitioner : Mr.S.Vinod Sathiya Lazar

For Respondents : Mr.D.Gandhiraj
1, 2 and 4 Spl.Govt.Pleader

For Respondents : Mr.M.Siddharthan
3 and 5 Addl.Govt.Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the first respondent to conduct an enquiry and thereby take action against the fifth respondent by considering the representation of the Petitioner, dated 8.9.2022 within the time frame fixed by this Court.

2.Mr.D.Gandhiraj, learned Special Government Pleader takes notice for the respondents 1,2 and 4 and Mr.M.Siddharthan, learned Additional Government Pleader takes notice for the respondents 3 and 5. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that there are 300 families of same community are residing in the Petitioner's village and they have a common burial ground which has a pathway in S.F.NO.141/1 and the same was classified in revenue records as "Mayanam Pathway". Some ten persons who have property on either side of the said pathway have encroached upon the pathway by constructing superstructures, causing



hindrance to the general public while carrying on the corpse for performing their last rights. The villagers asked them to remove the encroachment and since the same was not heeded to, the Petitioner has filed a Writ Petition which was disposed of on 3.8.2022 directing the Block Development Officer concerned to take appropriate action in accordance with law, to remove the encroachment. Thereafter also, no positive action was taken by the respondents. In this regard various representations were submitted and lastly on 8.9.2022, the Petitioner has filed a representation. Since the same was not considered till date, the Petitioner has filed this Writ Petition for the relief stated supra.

4. When the matter is taken up for hearing today, the learned Special Government Pleader appearing for the respondents 1, 2 and 4 has produced a communication of the Tahsildar, Thiruverumbur to the Block Development Officer, Thiruverumbur, dated 29.09.2022 stating that there is no encroachment in the pathway leading to the Mayanam Pathway, whereas, there is encroachment in the Cart Track which was handed over to the village panchayat in question.

5. Recording the above said facts, the Writ Petition stands disposed of. No costs.



Index : Yes/No

Internet: Yes/No

vsn

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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

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