



W.P. No.189 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.189 of 2023

R.Rajendran

...

Petitioner

versus

- 1 The District Collector,
Salem District
- 2 The Tahsildar
Edappadi Taluk, Edappadi,
Salem District
- 3 The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Edappadi Division,
Sangagiri Main Road, Edappadi, Salem district
- 4 The Commissioner
Edappadi Municipality, Edappadi
Salem District
- 5 Shanmugam

...

Respondents



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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in the cart track situated in S.No.266 (T.S No.2 Ward C, Block No.9) Avaniperurmelmugam Village, Edappadi Taluk, Salem District, by disposing of the written representation made by the petitioner on 29.11.2022.

For the Petitioner : Mr.C.Prakasam

For the Respondents : Mr.J.Ravindran,
Additional Advocate-General
assisted by Mr.A.Selvendran,
Special Government Pleader
for respondents 1 to 3

Mr.L.P.Maurya,
for the fourth respondent

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition praying for a writ of mandamus directing respondents 1 to 4 to remove the encroachment made by the fifth respondent in the cart track situated in S.No.266 (T.S No.2 Ward C, Block No.9) Avaniperurmelmugam Village, Edappadi Taluk, Salem District, by disposing of the petitioner's representation dated 29.11.2022.



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2. According to the petitioner, S.No.266 (T.S No.2 Ward C, Block No.9) Avaniperurmelmugam Village, Edappadi Taluk, Salem District has been classified as cart track and the same is used by villagers and agriculturists. The width of the cart track was 14.6 meter but due to the encroachment made by the fifth respondent, the same is considerably reduced at present. Since the fifth respondent turned down the petitioner's request to remove the encroachment, the petitioner sent a representation, dated 29.11.2022, to the official respondents. However, there was no action taken by the respondents. Hence, the petitioner has filed the present writ petition.

3. The learned Additional Advocate-General appearing for the official respondents produced a copy of the revenue records and agreed with the contentions made by the petitioner. In the revenue records, S.No.266 is shown as 'vandi pathai'. The learned Additional Advocate-General sought for time to survey the property and take action to remove the encroachments.



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4. Accordingly, the respondents are granted six weeks' time from the date of receipt of a copy of this order to survey the property, after giving notice to all the affected parties, and if any encroachment is found, the same may be removed forthwith. The cart-track may be restored to its original width as per the revenue records.

5. The writ petition is disposed of accordingly. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
06.01.2023

Index : Yes/No
Neutral Citation : Yes/No
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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.
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