



WP No.1290 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M.Kannusamy : Petitioner

versus

1.The District Collector
Salem District

2.The Revenue Divisional Officer
Sankagiri Salem District.

3.The Thashildar
Sankagiri, Salem District.

4.M.Poomalai

5.Mannatha Padayachi : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 to 3 to take action upon the petitioner representation dated 17/12/2018 to enable the petitioner villagers to use the common passage and usage for ingress and egress in S.Nos.114/5 and 114/8 at Annathanapatti Village, Sankagiri, Salem District.

For the Petitioner : Mr.Ganesh,
for Mr.R.Thirumoorthy



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For Respondents 1 to 3 : Mr.T.K.Saravanan,
Government Advocate
For Respondents 4 & 5 : Mr.R.Marudhachalamurthy

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Ganesh, learned counsel for the petitioner, Mr.T.K.Saravanan, learned Government Advocate, for respondents 1 to 3 and Mr.R.Marudhachalamurthy, learned counsel for respondents 4 and 5.

2. The learned counsel for the petitioner submits that the land bearing S.Nos.114/5 and 114/8 is sought to be encroached by respondents 4 and 5. According to the learned counsel, the land in question is a *Tharisu* land (waste land). All the villagers use the said land for going to the temple. If respondents 4 and 5 carry out construction on the said land, the same would cause obstruction to the villagers for going to the temple and other sites.

3. The writ petition is filed on the apprehension that encroachment is sought to be made by respondents 4 and 5. When the writ petition was filed, actual encroachment was not made.



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4. In case encroachment is made by the private respondents, then, if aggrieved, the petitioner may take appropriate steps in that regard and may approach the authorities concerned.

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

(S.V.G., CJ.)

(D.B.C., J.)

09.11.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To

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