



W.P.No.4143 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4143 of 2023

S.Periyasamy

.. Petitioner

Vs

1.The District Collector,
Kallakurichi District-606 202.

2.The Revenue Divisional Officer,
Kallakurichi-606 202.

3.The Revenue Tahsildar,
Kallakurichi-606 202.

4.Latha

5.Selvam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider the petitioner's representation dated 2.12.2021 and consequently direct the respondents to take necessary steps to remove the encroachment in the channel and pathway in S.Nos.71 to 73 in Ka.Mamananthal Village, Kallakurichi District.



W.P.No.4143 of 2023

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For the Petitioner : Mr.S.N.Subramani

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 3

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

S.Periyasamy, son of Samundi Gounder, a resident of No.104, Pillayar Koil Street, Ka. Mamananthal Village, Kallakurichi Taluk, has filed this writ petition seeking for issuance of a writ of mandamus directing respondents 1 to 3 to remove the encroachments made in the channel and pathway in S.Nos.71 to 73 in Ka.Mamananthal Village by considering his representation dated 2.12.2021.

2. Mr.S.N.Subramani, learned counsel for the petitioner, submitted that S.Nos.71/1, 71/2, 72 and 73 in Ka.Mamananthal Village have been classified as Government pathway and channel respectively and by destroying the channel and pathway, respondents 4 and 5 have constructed their houses. Due to their



W.P.No.4143 of 2023

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obstructions, the rain water stopped from further flow and diverted to the agricultural lands of the petitioner and also the villagers are unable to use the pathway. In this regard, the petitioner sent a representation on 2.12.2021 to the respondent authorities. Despite receipt of the representation, no action was taken by the respondent authorities. Hence, the petitioner has been advised to file this writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents, submitted that out three survey numbers, namely S.Nos.71, 72 and 73, only S.No.71/1 and 71/2 have been classified as "pathai" and the lands covered in S.Nos.72 and 73 are private lands. He would submit that if eight weeks' time is granted to the respondent authorities, they will conduct a survey of the land covered in S.Nos.71/1 and 71/2 and thereafter remove the encroachments.

4. Recording the submission made by learned State Government Pleader, the writ petition is disposed of with a direction



W.P.No.4143 of 2023

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to the respondent authorities to conduct a survey of the land covered in S.Nos.71/1 and 71/2 in Ka.Mamananthal Village, Kallakurichi Taluk with the assistance of the jurisdictional Surveyor and, if any encroachment is found, the same shall be removed after notice to the encroachers. The entire exercise is to be completed within a period of eight weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
14.02.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

- 1.The District Collector,
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W.P.No.4143 of 2023

THE HON'BLE ACTING CHIEF JUSTICE
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W.P.No.4143 of 2023

14.02.2023