



WEB COPY



W.P.No.2780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 2780 of 2023

Rameshkumar

.. Petitioner

Versus

1. The District Collector
Krishnagiri District
Krishnagiri.
2. The Revenue Divisional Officer
Krishnagiri
Krishnagiri District
3. The Tahsildar
Uthangarai Taluk
Krishnagiri District
4. The Block Development Officer
Uthangarai
Krishnagiri District
5. Ramalingam
6. Govindasamy
7. Pachaiyappan
8. Chinnapayyan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st to 4th Respondents to evict the encroachment made by the Respondents 5 to 8 as found in Survey Nos.10 and



W.P.No.2780 of 2023

12 of Muchilikuttai Village, Uthangarai Taluk, Krishnagiri District, being a road.

For Petitioner : Mr. J. Pradeep
For Respondents : Mr. A. Selvendran
Special Government Pleader for RR1 to 4

ORDER

(Order of the Court was made by **R. MAHADEVAN, J**)

Heard Mr. J. Pradeep, learned counsel for the Petitioner and Mr.A.Selvendran, learned Special Government Pleader, who accepts notice on behalf of the Respondents 1 to 4.

2. The relief sought in this Writ Petition is to issue a Writ of Mandamus directing the Respondents 1 to 4 to remove the encroachments caused by the Respondents 5 to 8 in the land in Survey Nos.10 and 12, classified as cart track, in Muchilikuttai Village, Uthangarai Taluk, Krishnagiri District.

3. According to the petitioner, he is residing in Muchilikuttai Village, Uthangarai Taluk, Krishnagiri District along with his family and engaged in agriculture work. It is stated that the land in Survey Nos.10 and 12 in Muchilikuttai Village is classified as a Cart Track, which is being used by the Villagers to gain access from Keezhmathur to Makanurpatti Road for



W.P.No.2780 of 2023

transporting the agricultural produce for several years. While so, the

Respondents 5 to 8, who are residing near the said land, have encroached the said cart track with the result, the 25 feet pathway has been reduced to 7 feet.

In view of such encroachment, the Villagers, including the petitioner, are finding it extremely difficult to transport their agricultural produce. In this regard, the petitioner made a representation dated 30.12.2022 to the Respondents 1 to 4 to remove the encroachment made by the Respondents 5 to 8, but no action has been taken till date. Therefore, the petitioner is before this court with the present writ petition.

4. The learned counsel for the petitioner reiterated the averments made in the affidavit filed in support of the writ petition and submitted that the encroachment made by the respondents 5 to 8 is causing hardship to the Villagers. The representation given by the petitioner to the respondents 1 to 4 did not yield the desired result. The learned counsel therefore submitted that it would suffice, if a direction is issued to the respondents 1 to 4, to consider the petitioner's representation dated 30.12.2022, on merits and in accordance with law, within a time frame to be stipulated by this court, for which, the learned Special Government Pleader appearing for the Respondents 1 to 4 has no serious objection.



W.P.No.2780 of 2023

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the case, the third respondent is directed to consider the petitioner's representation dated 30.12.2022, afford an opportunity of hearing to the petitioner as well as the respondents 5 to 8 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of.

No costs.

[R.M.D., J.] [M.S.Q., J.]
03.02.2023

Index : Yes / No

Internet : Yes / No
arr/rsh

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.
3. The Tahsildar,
Uthangarai Taluk,
Krishnagiri District.
4. The Block Development Officer,
Uthangarai,
Krishnagiri District.



WEB COPY



W.P.No.2780 of 2023

R. MAHADEVAN, J
and
MOHAMMED SHAFFIQ, J

arr/rsh

WP No. 2780 of 2023

03.02.2023