



WP No. 3156 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM :

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

Writ Petition No. 3156 of 2018

M. Venkatesan

.. Petitioner

Versus

1. The District Collector
Krishnagiri District.

2. The Tahsildar
Uthangarai Taluk
Krishnagiri District

3. G. Radha

4. G. Venkatesan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 11.12.2017 and take necessary action to remove the illegal encroachments and obstructions on the pathway in government poramboke Survey No.16/66 of Onnakarai Village, Uthangarai Taluk, Krishnagiri District by the Respondents 3 and 4.

For Petitioner : Mr. K. Thiruvengadam

For Respondents : Mr. A. Selvendran
Special Government Pleader for R1 & R2

No appearance for R3 & R4.



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submitted a representation dated 11.12.2017 to the respondents 1 to 2 to remove the obstructions made by the respondents 3 and 4 but it was not considered, hence, the petitioner has come forward with this writ petition for the relief stated supra.

3. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 and 2. In spite of notice, there is no representation for the respondents 3 and 4.

4. When this writ petition is taken up for consideration, the learned Special Government Pleader appearing for the respondents 1 and 2, by placing reliance on the counter affidavit filed by the second respondent, submitted that the respondents 3 and 4 have encroached a public pathway which is used by the Villagers for their daily routine, either as pedestrians or by using two wheeler or cycle. It is further stated that the third and fourth respondents have encroached the pathway by constructing a house thereon to an extent of 4 square meters. The encroachment made by the fourth respondent has been objected to by the petitioner and others in the Village and it is likely that a law and order problem may arise on this issue and therefore the respondents have not taken any decision immediately to clear the encroachment. It is further



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submitted that this was also intimated to the petitioner by way of a reply dated 28.12.2017 in response to his representation dated 11.12.2017. In spite of such reply, the petitioner has hastily approached this Court with this writ petition. In any event, action will be taken to remove the encroachment made by the third and fourth respondents at an early date and therefore, the learned Special Government Pleader prayed for dismissal of the writ petition.

5. In view of the above submission of the learned Special Government Pleader appearing for the respondents 1 and 2, this Court directs the second respondent to take appropriate action to remove the encroachment made by the respondents 3 and 4 herein, in the land comprised in Survey 16/16, which is used as a common pathway, in Onnakarai Village, Salamarathupatti Post, Uthangarai Taluk, Krishnagiri District, by following the due process of law, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

(R.M.D.,J.) (M.S.Q.,J.)

01.02.2023

ay/rsh

Index: Yes / No

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Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

Copy to

1.The District Collector,
Krishnagiri District.

2.The Tahsildar,
Uthangarai Taluk,
Krishnagiri District.



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R. MAHADEVAN, J
and
MOHAMMED SHAFFIQ, J

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