



WEB COPY



W.P.No.4480 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4480 of 2023

Palanisamy

.. Petitioner

Vs

1.The Tahsildar,
O/o. The Tahsildar,
Avinashi – Post & Taluk,
Tiruppur District.

2.The Village Administrative Officer,
Sokkanur Village,
Avaninashi Taluk,
Tiruppur – 638 103.

3.Sivamoorthy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 and 2 to clear the pathway as obstructed in Survey No.232/1F and 231/1G, Sokkanur Village, Avinashi Taluk, Tiruppur District based on the resolution of the Sokkanur Panchayath dated 19.6.2006 and 4.10.2021.



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For the Petitioner : Mr.D.Veerasekaran

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 and 2

ORDER

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

Palanisamy, son of Krishnan, a resident of No.26, Old Post Office Street, Kottuveerampalayam, Sathyamangalam Taluk, has filed this writ petition for issuance of a writ of mandamus directing respondents 1 and 2 to remove the encroachment made in the pathway in Survey Nos.232/1F and 231/1G situated at Sokkanur Village, Avinashi Taluk, Tiruppur District.

2. The petitioner sought removal of obstruction/ encroachment in Survey Nos.232/1F and 231/1G situated at Sokkanur Village, Avinashi Taluk. Out of the two survey numbers, Survey No.231/1G mentioned by the petitioner is incorrect and the correct survey number is 232/1G, which is



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evident from the letter correspondence of the Tahsildar, Avinashi, dated 31.1.2022.

3. Admittedly, the petitioner has not filed any revenue record to show that Survey Nos.232/1F and 232/1G have been classified as Government pathway as alleged by him. On the other hand, on the perusal of the copy of the "A" register filed along with the writ petition (Page No.97 of the typed-set), it is seen that pattas in respect of Survey Nos.232/1F and 232/1G have been issued in favour of Karuppa Gounder and 67 others. Similarly, the name of Kutti Gounder alias Karuppa Gounder and others has been entered in the adangal for the Fasli 1430 (Page No.98 of the typed-set) in respect of Survey Nos.232/1F and 232/1G.

4. Since the lands in question are shown to be private lands, we are of the view that the petitioner cannot seek for removal of encroachment/obstruction, if any, in Survey



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No.232/1F and 232/1G. The writ petition fails and the same is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
15.02.2023

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

- 1.The Tahsildar,
O/o. The Tahsildar,
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Tiruppur District.
- 2.The Village Administrative Officer,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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