



WP No.23385 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

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M.Santhi

... Petitioner

-VS-

1. The District Collector,
Namakkal District,
Namakkal.

2. The Tahsildar,
Namakkal Taluk,
Namakkal.

3. The President,
Kathapallai Panchayath
Namakkal Taluk, Namakkal.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to initiate action on the representation of the petitioner dated 30.01.2023 for removal of the encroachments made in Survey Nos.137/1A, 137/1K, 137/1J of Kathapalli Village to enable the petitioner to use the Pathway classified as " Nilaviyal Pathai " (Geological route) in the "A"



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Register of the said revenue village, within a reasonable time to be fixed by this Court.

For the Petitioner : Mr.K.A.Mariappan
For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader
for RR 1 and 2.

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.K.A.Mariappan, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader, for respondent Nos.1 and 2.

2. Encroachment is alleged on the pathway. The petitioner relies on the Gift Deed to contend that part of the land in S.Nos.137/1K and 137/1J was given as gift for the purpose of road/pathway.



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3. The report of the Tahsildar suggests that the land in S.Nos.137/1J and 137/1K has been converted into plots/layouts now. In S.No.137/1A, no encroachment is found.

4. In fact, the Gift Deeds dated 02.11.2011 and 28.01.2016 refer to the pathways in the layout comprised in S.Nos.137/1K and 137/1J and the said pathways are only gifted. The respondent authorities shall conduct a survey of the same and if it is found that the said pathways are encroached, then take further steps for removal of the encroachment from the pathways.

With this observation, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

10.08.2023

Index : Yes/No
Neutral Citation : Yes/No
sra



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(sra)

To

1. The District Collector,
Namakkal District, Namakkal.
2. The Tahsildar,
Namakkal Taluk, Namakkal.
3. The President,
Kathapallai Panchayath
Namakkal Taluk, Namakkal.

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