



WP No.20323 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM :

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

AND

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

WP No.20323 of 2023
and WMP No.19690 of 2023

Narayanan

.. Petitioner

-VS-

1. The District Collector,
Salem.

2. The Tahsildar,
Kadayampatty Taluk, Salem District.

3. Venkadachalam
4. Palanisamy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to take appropriate action, stop the 3rd and 4th respondents and their men from illegally using the pathway for other purpose consequently restrain them from obstructing the petitioner and other residence from using the pathway of the land in S.No.98/5 at Dasasamuthiram Village, Kadayampatty Taluk, Salem District by considering the petitioner's representation dated 20.12.2022 and 02.03.2023.



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

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.T.Ganesan, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, for the official respondents.

2. The learned counsel for the petitioner submits that respondents 3 and 4 have encroached upon the pathway in S.No.98/5 at Dasasamuthiram village and are restraining the other persons from using the pathway.

3. The learned State Government Pleader has placed the status report on record on behalf of the respondents wherein it is stated that the said land Natham in S.No.98/5 is accounted as 'Arasu Promboke'

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(water storage tank vacant land). Due to dilapidated condition, the water tank was demolished and presently, the site remains vacant.

The petitioner's land is occupied by S.No.98/5 on the south side and road in S.No.98/1 on the west side and 51 meters in length road is available which can be used by the petitioner. It is further stated that S.No.98/2 vests in the name of the petitioner's father, who had actually extended a corridor with iron rod support and asbestos sheet roof of about 10 feet long and encroached S.No.98/5, the Government land. Other than this, the site in dispute in S.No.98/5 remains vacant, which in local enquiry, reveals that the children and students of the local area utilise it for playing volleyball and other games during holidays. Hence, there is no actual encroachment by any individual except for the one made by the petitioner's father.

4. If any encroachment appears on the Government land or on a pathway, it is for the Government to take steps against the encroachers including the petitioner if he is an encroacher. The State authority shall follow the process of law in case encroachment is observed and for removal of the same.



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With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.A., J.)

12.07.2023

Index : yes/no

Neutral Citation : Yes/No
sra

To:

1. The District Collector,
Salem.
2. The Tahsildar,
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(sra)

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