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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM :

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

AND

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

W.P.No.21595 of 2023

K.Balasubramani .. Petitioner

Vs

1.The District Collector,
Tirupur District.

2.The District Revenue Officer,
District Collector Office,
Tirupur District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Dharapuram, Tirupur District.

4.The Tahsildar,
Tahsildar Office,
Kangayam Taluk,
Tirupur District.

5.K.C.Moorthy .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India

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seeking issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in Survey No.455/4 and 457/1 based on the petitioner's representation dated 25.01.2023.

For the Petitioner : Mr.A.Kumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader

ORDER

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

We have heard Mr.A.Kumar, learned counsel for the petitioner, and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader, for the respondents.

2. According to learned counsel for the petitioner, though the land in Survey No.455/4 is a patta land, a pathway passes through the said land. To substantiate his contention, learned counsel relies upon a survey map.

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3. It is not clear whether the pathway is a public pathway or private pathway. In the absence of clarity of facts, we would not pass any orders.

4. If, in case, the pathway is a public pathway, then the petitioner may approach the authorities. The authorities may consider the application of the petitioner on its own merits, of course, after due notice to the person concerned whose rights would be affected.

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

(S.V.G., CJ.) (P.D.A., J.)
24.07.2023

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU,J.

(sasi)

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