



W.P.No.25667 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

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K.JAGANATHAN,
S/O.KANNAPPA MANDIRI,
KANNADIKUPPAM VILLAGE,
VANIYAMBADI TALUK,
TIRUPATTUR DISTRICT.

.. Petitioner

Vs.

1.THE DISTRICT COLLECTOR,
TIRUPATTUR, TIRUPATTUR DISTRICT.

2.THE TAHSILDAR,
AMBUR, TIRUPATTUR TALUK.

3.THE BLOCK DEVELOPMENT OFFICER,
MADHANUR UNION,
TIRUPATTUR DISTRICT.

4.THE PRESIDENT,
NACHARKUPPAM PANCHAYAT,
MADHANUR UNION,
TIRUPATTUR DISTRICT.



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5.R.KALIDASS,
S/O. RAJENDIRAN,
KANNADIKUPPAM VILL,
VANIYAMBADI TALUK,
TIRUPATTUR DISTRICT.

6.RAMACHANDRAN,
S/O.THANGAVEL,
KANNADIKUPPAM VILLAGE,
VANIYAMBADI TALUK,
TIRUPATTUR DISTRICT.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the respondents to consider the petitioner's representation dated 16.02.2022 to retrieve the panchayat road by removing the encroachments in the public panchayat road situated in S.No.50/98 of Kammiampattu Village, Ambur Taluk, Tirupattur District, which is being bounded on the northern side of the petitioner's property in S.No.47/1 of Kammiampattu Village, Ambur Taluk, Tirupattur District.

For Petitioner : Mr.Pa.Sudesh Kumar

For Respondents : Mr.P.Muthukumar
State Government Pleader



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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

According to the petitioner, the property in S.No.47/1, measuring 6.23 of Kammampattu Village, Ambur Taluk, Tirupattur District, originally belonged to his father Kannappa Mandiri by virtue of a registered partition deed bearing Doc.No.219 of 1978 and his father executed a registered will on 23.12.2005, in respect of the said property, in favour of the petitioner and his brother. The petitioner further stated that the property in S.No.47/1, is bounded by S.No.50/98, which is the panchayat road and is being used to reach the petitioner's property.

2. It is the grievance of the petitioner that the aforesaid panchayat road was encroached by few people by putting up sheds and doing sundry business, and thereby caused hindrance to the access to the petitioner's property. The petitioner made repeated representations, lastly on 16.02.2022, to the authorities requesting to remove the encroachment made in the said panchayat road. On consideration of the same, the second respondent directed the Revenue Inspector to inspect the subject land and



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submit a report. After receipt of the report from the Revenue Inspector, the second respondent directed the third respondent on 28.04.2023, to make spot enquiry and file a report. Thereafter, nothing moved in this regard. Hence, the petitioner has come up with this writ petition seeking a direction to the respondents to consider his representation dated 16.02.2022 and to retrieve the panchayat road by removing the encroachment made therein.

3. Today, when the matter was taken up for consideration, the learned State Government Pleader taking notice for the respondents, submitted that the respondent authorities would consider the claim of the petitioner and pass orders, on merits, within a time frame to be stipulated by this court.

4. In view of the above, this court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 16.02.2022, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any



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encroachment in the panchayat road as alleged by the petitioner, the same shall be removed, after following due process of law.

5. With the aforesaid direction, this writ petition stands disposed of.

No costs.

[R.M.D., J.] [M.S.Q., J.]
31.08.2023

nsd

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

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