



W.P.No.33280 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.33280 of 2023

K.Tamilselvan

.. Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Pondicherry.

2.The Tahsildar,
Office of the Tahsildar,
Pondicherry.

3.The Pondicherry Municipality,
Mudaliarpur Commune, Pondicherry.

4.T.Sanjivi

5.B.Ramadoss

6.R.Sundaramoorthy

..
Respondents

Writ Petition filed under Article 226 of the Constitution of India



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praying for issuance of Writ of Mandamus to direct the second respondent to remove the encroachments in S.No.2/4A2, 'N' Block, Murugambakkam Village, Mudaliarpet Commune, Pondicherry.

For Petitioner : Mrs.Srimathi V.
For RR 1 to 3 : Mr.Sreedhar
Government Advocate (Pondicherry)

ORDER

(Order of the Court was made by R. Mahadevan, J.)

The petitioner has filed this writ petition for issuance of a Writ of Mandamus to direct the second respondent to remove the encroachments in S.No.2/4A2, 'N' Block, Murugambakkam Village, Mudaliarpet Commune, Pondicherry.

2.The case of the petitioner is that the pathway in S.No.2/4A with 20 feet width was in existence in the western portion of his property situated at Survey No.2/4, 'N' Block, Murugampakkam Village, Mudaliarpet Commune, Pondicherry. As per the revenue records, the nature of the



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pathway is “boosthipathai” and it runs from the 100 feet road from North to South direction. The petitioner used the pathway to reach his property.

While that being so, by way of two sale deeds, the fourth respondent illegally claimed title over the pathway stating that he availed the property from one Thiruvarasan and has made illegal construction, which has been earmarked as S.No.2/4A2 in the revenue records. The fifth and sixth respondents have also created a document of sale in respect of rest of the pathway stating that they have obtained the land from the said Thiruvarasan. According to the petitioner, the intention of these respondents is to take away the pathway and to convert the same into a private property. In the circumstances, the petitioner's father submitted petitions to the Government officials requesting to remove the said illegal encroachment, but, the same were not considered till date. It is also stated that the petitioner's father filed a suit in O.S.No.1199 of 2012 before the II Additional District Munsif, Pondicherry challenging the sale deeds executed by the respondents 4 to 6 as stated above and the same is pending. Citing the pendency of the suit, the official respondents are preventing the petitioner from using the pathway. Hence, this writ petition.



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such representation, the third respondent shall consider the same and pass appropriate orders on merits and in accordance with law after conducting an inspection in the presence of the petitioner and the respondents 4 to 6, examining the documentary evidence, if any, submitted by them and also after affording an opportunity of hearing to the petitioner, respondents 4 to 6 as well as any other interested parties, within a period of eight weeks thereafter.

6. Accordingly, this writ petition stands disposed of. No costs.

(R.M.D., J.) (M.S.Q., J.)
28.11.2023

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
nsd

To
1. The District Collector,
Office of the District Collector,
Pondicherry.

2. The Tahsildar,
Office of the Tahsildar,
Pondicherry.

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3. The Pondicherry Municipality,
Mudaliarpet Commune, Pondicherry.

R. MAHADEVAN, J.
and
MOHAMMED SHAFFIQ, J.

nsd

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