



W.P.No.75 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.75 of 2023

K.Sivasakthi

.. Petitioner

Vs

1.The District Collector,
District Collector Office,
Thiruvannamalai-606 604.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thiruvannamalai Taluk,
Thiruvannamalai – 606 601.

3.The Tahsildar,
Thasildar Office,
Kizhpenathur Taluk,
Thiruvannamalai – 604 601.

4.The Special Tahsildar,
Natham Nilavari Thittam,
Thiruvannamalai Taluk,
Thiruvannamalai – 606 604.

5.Natarajan

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in S.No.99/15 situated in So.Namiyanthal Village, Thiruvannamalai Taluk, Thiruvannamalai District, which has been earmarked as Pattai (Pathway) in Revenue Records and to restore the same to its originality by considering the petitioner's representation dated 8.4.2022.

For the Petitioner : Mr.A.Bharanichandar

For the Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondent Nos.1 to 4

ORDER

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

K.Sivasakthi, wife of Karthikeyan, a resident of No.53A, Pillayar Kovil Street, So.Kizhnachipattu Village, Thiruvannamalai Taluk, has filed this writ petition for issuance of a writ of mandamus directing respondents 1 to 4 to remove the encroachment made by the fifth respondent in Survey No.99/15 situated at So.Namiyanthal



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Village, Thiruvannamalai Taluk, which has been earmarked as pathway in the revenue records and restore the same to its original position by considering the representation of the petitioner dated 8.4.2022.

2. In support of the prayer, learned counsel for the petitioner, drawing our attention to a copy of the "A" Register, submitted that the land covered in Survey No.99/15 situated at So.Namiyanthal Village, Thiruvannamalai Taluk has been classified as "pathway". Since the said pathway has been encroached by the fifth respondent, the petitioner has submitted a representation on 8.4.2022 to the respondent authorities. As no action was taken on the representation of the petitioner despite receipt of the same, the petitioner has been advised to file the present writ petition.

3. At this stage, Mr.J.Ravindran, learned Additional Advocate General, assisted by Mr.A.Selvendran, learned Special Government Pleader, taking notice on behalf of the official respondents, submitted that if four weeks' time is granted to the respondent



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authorities, they will conduct a survey of the land in question and thereafter remove the encroachment.

4. Recording the submission made by learned Additional Advocate General, the writ petition is disposed of with a direction to the respondent authorities to conduct a survey of the land in question with the assistance of the jurisdictional Surveyor and, if any encroachment is found on the pathway in question, the same is directed to be removed, after notice to the encroacher. The entire exercise is to be completed within a period of four weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
05.01.2023

Index : Yes/No
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