



WEB COPY



WP No. 33662 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

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

W.P.No.33662 of 2023

P.GUNASEKARAN,
S/O.PICHAIPILLAI,
NORTH STREET, MAATHUR VILLAGE,
SENDURAI TALUK,
ARIYALUR DISTRICT - 621719.

.. Petitioner

Vs.

1.THE DISTRICT COLLECTOR,
ARIYALUR DISTRICT, ARIYALUR.

2.THE THASILDHAR,
SENDURAI TALUK, ARIYALUR DISTRICT.

3.THE BLOCK DEVELOPMENT OFFICER,
SENDURAI PANCHAYAT UNION,
ARIYALUR DISTRICT.

4.THE PRESIDENT,
ASAVEERANKUDIKADI VILLAGE PANCHAYAT,
SENDURAI PANCHAYAT UNION,
ARIYALUR DISTRICT.

5.P.GANESAN,
S/O.PICHAIPILLAI, NORTH STREET,
MAATHUR VILLAGE, SENDURAI TALUK,
ARIYALUR DISTRICT - 621719.

.. Respondents



WP No. 33662 of 2023

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 2 to 4 to remove the encroachments made in SF No.49/28 of Asaveerankudikadi Panchayat Village, Sendurai Panchayat Union, Ariyalur District, by considering the representations dated 17.05.2023 and 25.09.2023.

For Petitioner : Mr.S.Kamadevan
For RR 1 to 3 : Mr.Muthukumar
Government Pleader

ORDER

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

The prayer made in this writ petition is to issue a Writ of Mandamus to direct the respondents 2 to 4 to remove the encroachments made in SF No.49/28 of Asaveerankudikadi Panchayat Village, Sendurai Panchayat Union, Ariyalur District, by considering the representations dated 17.05.2023 and 25.09.2023 made by the petitioner.

2.According to the petitioner, the land in SF.No.49/28 is a public pathway and the same is used by the villagers. The said pathway is the only access for the petitioner to reach his residence. However, the fifth respondent has encroached the said pathway by putting up constructions. It is further

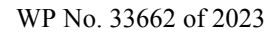


WP No. 33662 of 2023

stated by the petitioner that the said land in SF No.49/28 is reflecting as “Pathway”, as per the revenue records. Aggrieved against the encroachment and transgression into public pathway, the petitioner made a detailed representation on 17.05.2023 to the Revenue Divisional Officer, Udayarpalayam, requesting to remove the illegal encroachment made by the fifth respondent. Since there was no action taken by the authority concerned, the petitioner made a further representation dated 25.09.2023 to the respondents 2 to 4 for removal of the encroachment, but the same is kept pending without any consideration till date. Hence this writ petition.

3.The learned counsel for the petitioner, pointing out to the encroachment made by the fifth respondent in the public pathway, submitted that the petitioner has made representations to the official respondents to take action for removal of the same, but the same have not been considered till date. Stating so, the learned counsel prayed this Court to issue appropriate direction to the respondent authorities by considering his representations dated 17.05.2023 and 25.09.2023.

4.On the other hand, the learned Government Pleader appearing for the respondents 1 to 3 fairly submitted that an inspection would be conducted by



5. In view of the above submissions, the respondents are directed to consider the representations dated 17.05.2023 and 25.09.2023 made by the petitioner, and pass appropriate orders on merits and in accordance with law, after conducting an inspection in the presence of the petitioner and the fifth respondent and examining the documentary evidence, if any, submitted by them and after affording an opportunity of hearing to the petitioner, fifth respondent as well as any other interested parties. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid directions, this writ petition stands disposed of. No costs.

(R.M.D., J.) (M.S.Q., J.)
29.11.2023

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



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R. MAHADEVAN, J
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