



W.P.(MD)No.16701 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD)No.16701 of 2023

K.Samuthiram

... Petitioner

Vs.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sattur Taluk,
Virudhunagar District.

3.The Tahsildar,
Vembakktai Taluk,
Virudhunagar District.

4.Ponraj
5.Palanichamy
6.Ramalingam

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove all kinds of encroachment caused by the respondents 4 to 6 in Survey No.108/1 of E.Rediapatti Village, Vembakottai Taluk, Virudhunagar District and with a consequential direction to the respondents 1 to 3 to incorporate the existence of



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cart track/pathway in the revenue records in respect of Survey No.108/1 of E.Rediapatti Village, Vembakottai Taluk, Virudhunagar District by considering the petitioner's representation dated 29.05.2023.

For Petitioner :Mr.C.M.Arumugam
For R-1 to R-3 :Mr.J.Ashok,
Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.C.M.Arumugam, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for respondents 1 to 3.

2. The petitioner has come forward with this writ petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3, to remove all kinds of encroachment caused by respondents 4 to 6 in Survey No.108/1 of E.Rediapatti Village, Vembakottai Taluk, Virudhunagar District and to direct the respondents 1 to 3, to incorporate the existence of cart track/pathway in the revenue records in respect of the said land by considering the petitioner's representation, dated 29.05.2023.



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3. It is stated by the petitioner that the petitioner has purchased properties in different survey numbers vide document, dated 10.02.2022. It is his case that as per sale deed, he has access to his agricultural fields through a Cart Track which lies in Survey No.108/1 in E.Rediapatti Village, Vembakottai Taluk. Stating that respondents 4 to 6 along with henchmen caused obstruction by putting up fencing in the said survey number, the petitioner has come up with this writ petition.

4. The petitioner has not produced any verifiable materials to show that there was a pathway or cart track in existence through Survey No.108/1. The petitioner has not stated that respondents 4 to 6 are not the owners of the land in Survey No.108/1. The prayer in the writ petition itself would show that the petitioner prays to alter the revenue records to include the existence of Cart Track in the F.M.B.

5. Further, the learned Additional Government Pleader, on instructions, would submit that the petitioner is an encroacher of land in Survey No.110 in the same village. It is further stated that the encroachment is in the land, which is classified as Government Poramboke.



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6. If it is so, it is for the official respondents to take action for removal of encroachment after issuing notice to the petitioner and following due process of law.

7. It will be appropriate for the petitioner to establish his right of easement before the civil Court if any.

8. In the result, this writ petition is dismissed. No Costs.

[S.S.S.R., J.] [D.B.C., J.]
12.07.2023

Index : Yes / No
NCC : Yes/No

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