



WEB COPY



W.P.No.13856 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13856 of 2021

and

W.M.P.No.14720 of 2021

S.P.Kathirvel

... Petitioner

-Vs-

1.The District Collector,
Erode District.

2.The District Revenue Officer,
Erode.

3.The Tahsildhar,
Kodumudi Taluk,
Erode District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, forbearing the respondents from in any way interfering with the peaceful right, possession and enjoyment of the private cart track in respect of the property bearing Survey No.672/2 Punjai Hectare 0.14.5 (Old S.No.308/B) of Sivagiri Village, Kodumudi Taluk, Erode District.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.S.J.Mohamed Sathik,
Government Advocate



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ORDER

This Writ Petition has been filed for a direction directing the respondents not to interfere with the peaceful possession and enjoyment of the private cart track comprised in Survey No.672/2 Pujai Hectare 0.14.5 situated at Sivagiri Village, Kodumudi Taluk, Erode District.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. According to the petitioner, it is a patta land owned by him. However, on instructions, the learned Government Advocate appearing for the respondents submitted that the petitioner is a land encroacher of the subject property and he is interfering with laying of cart track in the said property by the respondent.

4. A perusal of the counter filed by the respondents reveals that though the subject land is a patta land, there is Nilaviyal Cart Track runs through the said land. It is recognised as Government Poramboke left for the use of general public and nobody has exclusive right on the



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Nilaviyal Cart Track. Therefore, the Field Staffs appraised the encroachers and instructed to remove the encroachment. The barbed wire along with the cement pillars erected on the road was removed by the encroacher i.e., the petitioner herein to make eases for the general public on 18.06.2021. Thereafter, the road is being used by the general public. Therefore, the prayer sought for in this writ petition cannot be considered and the writ petition is itself is devoid of merits and is liable to be dismissed.

5. Accordingly, this writ petition stands dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

17.04.2024

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

1.The District Collector,
Erode District.

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Erode.

3.The Tahsildhar,
Kodumudi Taluk,
Erode District.

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