



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.21849 of 2019

Lalitha Mani

... Petitioner

Vs.

1.The Tahsildar,
Coimbatore North,
Coimbatore.

2.The Executive Officer,
Town Panchayat Office,
Narasimmanaikenpalayam,
Coimbatore.

3.Usha Peter

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to remove the encroachments/unauthorized structures and waste materials put up by the 3rd respondent herein in the public pathway which runs in front of her house in S.F.No.302/3B, Narasimmanaikenpalayam, Coimbatore and



restore the same by considering the petitioner representation dated 18.03.2019.

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For Petitioner	: Mr.M.N.Balakrishnan
For R1	: Mr.A.Selvendran Special Government Pleader
For R2	: Mr.V.Jaya Prakash Narayanan
For R3	: Mr.S.Padmanabhan

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The writ of mandamus has been instituted to direct the respondents 1 and 2 to remove the encroachments/unauthorized structures and waste materials put up by the 3rd respondent in the public pathway, which runs in front of her house in S.F.No.302/3B, Narasimmanaikenpalayam, Coimbatore and restore the same by considering the petitioner's representation dated 18.03.2019.

2. The written instructions given by the Tahsildar, Coimbatore North dated 16.03.2024 and the relevant paragraph reads as under:

“2. In this regard necessary filed inspection



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was conducted by the Revenue and Survey Officials in S.F.Nos.302/3B, 302/3C, 302/3D, 302/1C of Narasimmanaikenpalayam Village of Coimbatore North Taluk in Coimbatore District with reference to land records on 07.03.2024 with the concerned parties. The land documents from the petitioner as well as in the 3rd respondent were also obtained and perused. The pathway reported was also measured with reference to documents obtained. In the documents produced by the petitioner, there is a mention about common pathway on the north side, but it has no particular measure of the length or width of the pathway. In respect of documents obtained from 3rd respondent a common right of way has been given to use the lane to on the eastern side which runs south to north. The perusal of the documents reveals that the petitioner has a right to use the lane to reach her house from the pudhupalayam road. It is noticed that there is a pathway laying vacant that belong to one Mani S/o Naganna Gounder and there no encroachment has noticed as reported by the petitioner in her writ petition.”

3. However, the petitioner has stated that the 3rd respondent has



constructed a lengthy ramp encroaching upon the public road thereby depriving the people of that locality free from accessing the public road.

Some road encroachments are identified at the opposite side.

4. In view of the facts and circumstances, the respondents 1 and 2 are directed to remove the road encroachments in the subject property to maintain the road free from encroachments for the benefit of people of that locality. The said exercise is directed to completed within a period of six (6) weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs.

[S.M.S., J.] [K.R.S., J.]
18.03.2024

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order



To

1.The Tahsildar,
Coimbatore North,
Coimbatore.

2.The Executive Officer,
Town Panchayat Office,
Narasimmanaikenpalayam,
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and
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