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W.P.No.21348 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN**
THILAKAVADI

W.P.No.21348 of 2024
and W.M.P. No.23302 of 2024

M.Duraisamy

... Petitioner

Vs.

- 1.The District Collector,
Collector Office,
Thiruvarur -610001.
- 2.The Revenue Divisional Officer,
RDO Office,
Thiruvarur-610001.
- 3.The Thasildar,
Thasildar Office,
Thiruvarur -610001.
- 4.The Village Administrative Officer,
Anai Vadapathi Village,
Thiruvarur Taluk & District.

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5.S.A Foundation,
Rep. By its Director Mr.L.Sathish Babu
Having Office at No.29/15,
South Usman Road,
T.Nagar, Chennai-600017.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus to direct the respondents 1 to 4 herein
to dispose of the petitioner's representation dated 27.07.2023.

For Petitioner : Mr.J.Jyothi

For Respondents :Mr.P.Balathandayutham
Special Government Pleader for R1 to R4

ORDER

[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]

The Writ petition has been filed in the nature of Mandamus directing
the respondents 1 to 4 to dispose of the petitioner's representation dated
27.07.2023 in a time framed manner.

2.It is the claim of the petitioner that a 40 feet public road is in
existence in survey Nos.96/1A1A and in 95/5A1 at Anai Vadapathi Village,

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Thiruvarur Taluk, Thiruvarur District. On the western side of the said road, the petitioner's land is situated in survey Nos. 95/1A, 1B, 1C and 3B.

3.The petitioner and the other villagers of the said village are in usage of the said 40 feet road for ingress and egress to their properties. While so, the 5th respondent is now obstructing the pathway and thereby causing inconvenience to the petitioner and other land owners. Hence, the petitioner sent a detailed representation on 27.07.2023 to the official respondents, namely the respondents R1 to R4 herein. After receipt of the said representation, the 1st respondent (The District Collector, Thiruvarur) forwarded the same to the 2nd respondent (The Revenue Divisional Officer, Thiruvarur) through proceedings dated 05.09.2023. Thereafter, the 3rd respondent (The Tahsildar, Thiruvarur) directed the Revenue Inspector, Thirukannamangai to inspect the disputed area and file a detailed report through proceedings dated 10.08.2023. However, no action was taken till date. Hence, the petitioner was constrained to file the above writ petition for suitable directions.

4.Issue Notice.

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5.Mr.P.Balathandayutham, learned Special Government Pleader

accept notice for R1 to R4.

6.By consent of the respective counsel, this writ petition is taken for final disposal.

7.Ms.J.Jyothi, learned counsel for the petitioner submits that the said 40 feet public road is the only pathway for ingress and egress to the petitioner and other land owners to approach their respective lands and if the same is obstructed by the 5th respondent, the petitioner and other villagers will have no access to their properties and they will be put to grave hardships. Hence, prayed for a direction directing the official respondents 1 to 4 to consider the representation made by the petitioner.

8.The learned Special Government Pleader submits that the Tahsildar, Thiruvarur, has directed the Revenue Inspector, Thirukannamangai and the Village Administrative Officer, to conduct a local inspection and submit a detailed report about the alleged encroachment, if any. He further submits



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that, the Revenue Inspector is likely to inspect the disputed area and if it is found that the 5th respondent is in encroachment, the same will be removed in accordance with law.

9.In the light of the above, this Court is inclined to issue the following directions:

(a) The Revenue Inspector, Thirukannamangai, is directed to conduct a local inspection in the subject pathway as expeditiously as possible and file a detailed report to the Tahsildar, Thiruvarur.

(b) If the 5th respondent is in encroachment in the said pathway, the same shall be removed in accordance with law following the procedures contemplated under the Act, applicable as expeditiously as possible after putting on notice to the 5th respondent.

10.Since the 5th respondent is not before us, all his rights and contentions are preserved and left open for being canvassed before the official respondents. If any reply is given by the 5th respondent the same shall be considered by the official respondents before passing the final order.

11.In view of the above, this writ petition is disposed of. No costs.



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Consequently, connected miscellaneous petition is closed.

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(M.S.,J.) (K.G.T.,J.)
02.08.2024

Index : Yes / No
Neutral Citation : Yes / No
vsn

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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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