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W.P.No.5023 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.5023 of 2020

S.N.Ponnusamy

...Petitioner

-Vs-

1.The District Collector,
Erode District,
Erode – 638 011.

2.S.L.Palanisamy

3.S.L.Subramaniam

4.P.Ranjith

5.Soundar

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the first respondent herein to consider the petitioner's representation dated 12.07.2019 and direct the Revenue Officials to initiate appropriate action against respondents 2 to 5 who had damaged the public cart track in R.S.No.505/3, Periyapuliyur Village, Bhavani Taluk, Erode District within the time stipulated by this Court and pass such further orders.



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For Petitioner : Mr.S.Kaithamalai Kumaran
For R1 : Mr.K.Surendran,
Additional Government Pleader
For R2 & R3 : Mr.V.Balamurugan
For R4 : Mr.K.Sundareswaran
For R5 : No appearance

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the first respondent herein to consider the petitioner's representation dated 12.07.2019 and directing the Revenue Officials to initiate appropriate action against respondents 2 to 5 who had damaged the public cart track in R.S.No.505/3, Periyapuliyur Village, Bhavani Taluk, Erode District.

2. Learned counsel for the petitioner submitted that he owns 2 acres of land in Periyapuliyur Village. To reach his lands, a cart track measuring 15 feet in R.S.No.505/3 of Periyapuliyur Village was used. The lands to an extent of 0.17.5 Punja hectares in R.S.No.505/3 had been classified as



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Government Poramboke and the cart track was extended in the year 2012-2013 from Semboothampalayam to Kanjankadu via Graveyad Road under THAI Scheme and funds from Bhavani Panchayat, Public and Panchayat Funds. Totally, Rs.14,00,000/- was allotted for the development and extension of the cart track and using the funds, Thar Road was laid to an extent of 3.15 metres. The said road was used by him to reach his land by lorry and the cart track was also used by the villagers without any hindrance.

3. Learned counsel further submitted that on 07.07.2019, respondents 2 to 5 caused damage to the said road formed on unlawful assembly and had damaged the Thar Road (3.15 metres) and the metal road laid on both sides of the Thar Road, totally 15 feet, by using a JCB bearing Registration Number TN-56-8215. The total damaged road is to an extent of 300 feet and the estimated damage is around Rs.3,00,000/-. By damaging the roads, he and other villagers were permanently denied access to the road. The factum of public road are being damaged by individuals is brought to the knowledge of the 1st respondent herein on 08.07.2019 through his representation in person along with the villagers.



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4. Learned counsel further submitted that in spite of the representation made to the 1st respondent on 08.07.2019 and to other concerned officials, no action was initiated by the authorities against respondents 2 to 5, who had damaged the public pathway. As the concerned officials failed to initiate action for the public property (Road). He sent a detailed representation to the 1st respondent on 12.07.2019 through registered post with acknowledgement due. The said representation was served on the 1st respondent on 15.07.2019. Till date, no action has been initiated against respondents 2 to 5 who have damaged public property (cart tack/ road). Hence, this writ petition has been filed.

5. Heard both sides and perused the materials available on record.

6. In view of the limited prayer sought for, this Court directs the first respondent / District Collector, Erode District, to consider the petitioner's representation dated 12.07.2019 after giving due notice to both parties, opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take into consideration the documents filed by the parties and pass appropriate orders on merits, in



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accordance with law thereby following the above principles of natural justice within a period of eight weeks from the date of receipt of a copy of this order.

In the result, the **writ petition stands disposed of with the above direction. No costs.**

18.07.2024

cda
Index : Yes/No
Speaking / Non Speaking Order

To

The District Collector,
Erode District,
Erode – 638 011.



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J.SATHYA NARAYANA PRASAD, J.

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