



W.P.(MD) No.1923 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1923 of 2024
and W.M.P.(MD)No.1931 of 2024

S.Gurusamy

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District.
- 2.The District Revenue Officer,
Tenkasi District.
- 3.The Revenue Divisional Officer,
District Collectorate Campus,
Tenkasi District.
- 4.The Tahsildar,
Alankulam Taluk, Tenkasi District.
- 5.The Inspector of Police,
V.K.Pudur Police Station, Tenkasi District.



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6.The President,
Kattupava Jumma Masjid,
Kazhuneerkulam,
Alangulam Taluk, Tenkasi District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos. 1 to 4 to restore the public pathway in S.No.565/1 situated at Kazhuneerkulam Revenue Village, Alangulam Taluk, Tenkasi District and consequently directing the 4th respondent survey the land and to remove the illegal encroachments in public pathway in by way of constructing the compound wall by respondent No. 6 as illegally.

For Petitioner : Mr.A.B.Jeeva

For Respondents : Mr.S.P.Maharajan,
Spl. Govt. Pleader for R1 to R4
Mr.R.Meenakshisundaram,
Addl. Public Prosecutor for R5

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent Nos. 1 to 4 to restore the public pathway in S.No.565/1 situated at Kazhuneerkulam Revenue Village, Alangulam Taluk, Tenkasi District



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and consequently directing the 4th respondent to survey the land and to remove the illegal encroachments by way of constructing the compound wall in public pathway made by respondent No. 6.

2. This Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, the 6th respondent has made encroachments in the property in question. According to the petitioner, the 6th respondent has filed a suit before the Civil Court and obtained a decree in favour of him. He further submits that the length of the road is 13 feet and now 4 feet of the road have been encroached by the sixth respondent. In this regard, the petitioner made a representation on 26.01.2024, seeking to remove the encroachment made by the 6th respondent. Since no action was taken on the said representation, the petitioner has filed this Writ Petition.



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4. Considering the facts and circumstances of the case, without going into the merits of the case, we direct the 4th respondent to consider the representation of the petitioner dated 26.01.2024 and pass orders on merits and in accordance with law after providing opportunity to the petitioner as well as to the fifth respondent or any other aggrieved persons, within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to say that the fourth respondent shall conduct survey in the property in question with the assistance of the surveyor in the presence of the petitioner as well as the 6th respondent. The petitioner is also directed to send a copy of the representation dated 26.01.2024 along with the copy of this order to the fourth respondent.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

vsm

NCC : Yes / No

Index : Yes / No

[D.K.K., J.] [R.V., J.]
31.01.2024



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