



WEB COPY

W.P.(MD) No.4276 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.4276 of 2024

R.Andumuthu

... Petitioner

-vs-

1.The District Collector
Collector Office
Dindugal

2.Convenor, District Monitoring Committee
District Revenue Officer
Dindugal

3.The Revenue Divisional Officer
Pazhani, Dindugal

4.The Tahsildar
Pazhani
Dindugal District

5.Kaviyarasu
[R5 is impleaded vide Court order
dated 11.03.2024 in W.M.P.(MD)
No.5265 of 2024]

... Respondents



WEB COPY

W.P.(MD) No.4276 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the respondents to remove the encroachment if any made in Survey No.45/2, situated at Rajampatty Village, Pazhani Taluk, Dindugal District, based on the petitioner's representation dated 19.01.2024.

For Petitioner : Mr.S.Madhavan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R4
Mr.T.Lenin Kumar for R5

ORDER

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

Prayer in this writ petition is to direct the respondents to remove the encroachment, if any, made in Survey No.45/2 of Rajampatty Village, Pazhani Taluk, Dindugal District, based on the petitioner's representation dated 19.01.2024.

2. According to the petitioner, Arulmigu Kariyakali Amman Temple is his family deity temple and it is situated in Survey Nos.45/1C, 46/1B and 48/3. The said Temple is a public Temple and it is dedicated to the common people of Kottathurai, Vattamalai, Pudur, Athimarathu Valasu,



W.P.(MD) No.4276 of 2024

WEB COPY

Murungan Valasu, Kallivalasu Villages. Near the said Temple, Arulmigu Selva Vinayagar and Chellandi Amman Temples are also located.

3. Further, according to the petitioner, he is a regular worshipper of the said Temple and he is using Itteri Pathai in Survey No.45/2 for the ingress and egress to the said Temple. Though the said pathway is a common pathway, someone has encroached the said pathway. Moreover, A-Register and the FMB Sketch also show that the said pathway is a “Vandi Pathai”. Seeking to remove the said encroachment, the petitioner made a representation to the first respondent on 19.01.2024. However, no action has been taken thereafter. Hence, this writ petition.

4. Learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submits that as per the revenue records, the subject pathway is classified as “Vandi Pathai” and the request made by one Kaviyarasu for issuance of patta in respect of the said pathway has been rejected by the authority concerned.



WEB COPY

W.P.(MD) No.4276 of 2024

5. Considering the facts that as per the revenue records, the subject pathway is a “Vandi Pathai” and the claim made by one Kaviyarasu for issuance of Patta for the said pathway has been rejected by the authority concerned and this Court by order dated 11.03.2024 dismissed the writ petition in W.P.(MD) No.22728 of 2023 filed by the said Kaviyarasu seeking a direction to the authority concerned, we direct the respondents 1 to 4 to take necessary action for removal of encroachment in the subject pathway in accordance with law, after providing due opportunity to the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

[D.K.K., J.]

[R.V., J.]

11.03.2024

(2/3)

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk



W.P.(MD) No.4276 of 2024

WEB COPY

To:

- 1.The District Collector,
Collector Office,
Dindugal.
- 2.The Convenor, District Monitoring Committee,
District Revenue Officer,
Dindugal.
- 3.The Revenue Divisional Officer,
Pazhani, Dindugal.
- 4.The Tahsildar,
Pazhani,
Dindugal District.



WEB COPY



W.P.(MD) No.4276 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

krk

W.P.(MD) No.4276 of 2024

11.03.2024

(2/3)