



W.P(MD)No.17999 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.17999 of 2024

K.Balu

... Petitioner

vs.

- 1.The District Collector/Inspector of Panchayats,
Tenkasi District,
Tenkasi.
- 2.The Monitoring Committee/The Revenue
Divisional Officer,
Tenkasi Division,
Tenkasi.
- 3.The Deputy Tahsildar,
Taluk Office,
Alangulam,
Tenkasi District.
- 4.The Revenue Inspector,
Nettur,
Alangulam Taluk,
Tenkasi District.
- 5.The Block Development Officer (Village Panchayat),
Union Office,
Alangulam,
Tenkasi District.

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6.The President,
Village Panchayat,
Nettur,
Alangulam Taluk,
Tenkasi District.

7.Ramaiah

8.Mariappan

9.Abranantham

10.Packiyam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made by the private respondent Nos.7 to 10 in the public pathway in Survey No.639/4 in Nettur Village, Alangulam Taluk, Tenkasi District based on the proceedings of the third respondent in REVALG/2579/2023-A2, dated 22.11.2023 within the stipulated time.

For Petitioners

: Mr.M.Sathiamoorthy

For Respondents

: Mr.P.Thilak Kumar
Government Pleader
for R.1 to R.6

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents 1 to 6 to remove the encroachment made by the private respondent Nos.7 to 10 in the public pathway in Survey No.639/4 in

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Nettur Village, Alangulam Taluk, Tenkasi District based on the proceedings of the third respondent in REVALG/2579/2023-A2, dated 22.11.2023 within the stipulated time fixed by this Court.

2.Mr.P.Thilak Kumar, learned Government Pleader, takes notice for the respondents 1 to 6. In view of the order that is proposed to be passed in this Writ Petition, notice to the respondents 7 to 10 is hereby dispensed with.

3.In respect of Survey No.639/4 at Nettur Village, Alangulam Taluk, Tenkasi District, it is the contention of the petitioner that it is a pathway which is being encroached or occupied by the private respondents, therefore, in order to remove such encroachment, he has given a representation on 19.03.2024 to the official respondents, where since there has been no action, he has approached this Court by filing the present Writ Petition.

4.Heard Mr.M.Sathiamoorthy, learned counsel appearing for the petitioner, who reiterates the same and seeks indulgence of this Court.



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5.Heard Mr.P.Thilak Kumar, learned Government Pleader, appearing for the respondents 1 to 6, who would submit that as per 'A' register of the Village concerned, Survey No.639/4 has been shown as 'Natham poramboke'. When that being so, if any dwelling house has been constructed by the private respondents, based on which, whether they would be entitled to get patta or not would be examined by the revenue authorities and accordingly, a decision would be taken.

6.He would also submit that in the said survey number, if there has been any public pathway occupied by any third parties including the private respondents, that also would be verified and if any, occupancy or encroachment is made by the third parties including the private respondents herein on the public pathway that would be removed by taking proper action in accordance with law, he contended.

7.In this regard, the learned Government Pleader would submit that the representation of the petitioner, dated 19.03.2024 would be considered and an earlier decision would be taken on merits and in accordance with law, of course, after giving notice to both the petitioner as well as private respondents.



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8.Recording the said submission made by the learned Government Pleader appearing for the official respondents, this Court is inclined to dispose of the Writ Petition with a direction to the official respondents, especially, the respondents 2 to 5, to consider the said representation submitted by the petitioner, dated 19.03.2024 and decide the same on merits and in accordance with law, of course, after giving notice to both the petitioner as well as the private respondents, within a period of two months from the date of receipt of a copy of this order.

9.With this direction, the Writ Petition is disposed of. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
02.08.2024

NCC : Yes / No
Index : Yes / No
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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

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ORDER MADE IN
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