



W.P.(MD) No.26071 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM:

**THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.(MD) No.26071 of 2024

Frader

... Petitioner

-VS-

1.Revenue Divisional Officer /
Monitoring Committee
Cheranmahadevi Division
Tirunelveli District

2.The Tahsildar
Radhapuram Taluk
Tirunelveli District

3.Siluvai Kitheriyan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 & 2 to remove the encroachment made by the third respondent in common pathway in S.No.617/6 situated at Thiruvambalapuram Village, Radhapuram Taluk, Tirunelveli District, based on the petitioner's representation dated 13.03.2024.



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For Petitioner : Mr.T.Selvan

For Respondents : Mr.P.T.Thiraviyam
Government Advocate for R1 & R2

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Petitioner's prayer is that his representation dated 13th March, 2024 complaining about encroachment by respondent No.3 in the common pathway has not even been considered. The petition was lodged on or about 4th September, 2024.

2. Shri.P.T.Thiraviyam states that there is a report of the Revenue Inspector prepared on 13th August, 2024, which says there is an encroachment by respondent No.3. Counsel is unable to explain as to why the Revenue Inspector took five months to survey the encroachment and why, even after 2 1/2 months, no action has been taken. The concerned District Collector is directed to take disciplinary action against the Revenue Inspector or the officer, who has to act on the report of the Revenue Inspector, because, *prima facie* it appears to be a dereliction of duty. Inaction on the part of the said officer is a pointer towards



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turning a blind eye to the encroachment. Having said that we accept the statement made by Shri P.T.Thiraviyam that action against respondent No.3 by following due process shall be commenced before the end of this week. This will be notwithstanding the fact that the order may not be uploaded.

3. Writ petition is disposed of. There shall be no order as to costs.

[K.R.SHRIRAM., C.J.]

[MOHAMMED SHAFFIQ, J.]

30.10.2024

NCC : Yes / No

Index : Yes / No

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To:

1.Revenue Divisional Officer /
Monitoring Committee,
Cheranmahadevi Division,
Tirunelveli District.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

Copy to:

The District Collector,
Tirunelveli.

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THE HON'BLE CHIEF JUSTICE
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MOHAMMED SHAFFIQ, J.

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