



W.P.(MD) No.5126 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.P.(MD) No.5126 of 2016

A.Indira

... Petitioner

-VS-

- 1.The Chief Secretary,
Secretariat,
Fort St. George,
Chennai.
- 2.The District Collector,
Collectorate,
Tirunelveli.
- 3.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 4.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 5.The Tahsildar,
Radhapuram,
Tirunelveli District.



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6.Gunasekar
7.Balakrishnan
8.Ponpandi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st to 5th respondents to consider the representation dated 15.02.2016 and further to take action against the untouchable wall constructed by the 6th to 8th respondents in Survey No.18 by encroaching a common path way.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader
for R1, R2, R4 & R5

Mr.R.Meenakshi Sundaram
Additional Public Prosecutor for R3

Mr.H.Arumugam for R8

No appearance for R6 and R7

ORDER

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

The Writ Petition has been filed for a direction to the respondents 1 to 5 to take action against the untouchable wall constructed by the respondents 6 to 8 in Survey No.18 by encroaching a common path way.



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2. According to the petitioner, the respondents 6 to 8 have constructed the compound wall by encroaching the Vandi Pathai Poramboke.

3. According to the respondents 1, 2, 4 and 5, the land owners of S.No.353 and 354, Pazhavor Village are using the Vandi Pathai Poramboke as an entry point to their residences and the compound wall of these residences runs parallel to the Vandi Pathai.

4. Considering the submissions made on either side, this Court found that there is a dispute with regard to the existence compound wall in the Vandi Pathai. Therefore, to resolve the dispute, the official respondents have to conduct survey in the presence of both parties and if it is found that the said compound wall is constructed by encroaching the Vandi Pathai, then the compound wall constructed in the Vandi Pathai has to be removed.

5. Accordingly, the Writ Petition stands disposed of with a direction to the fifth respondent to conduct survey of the property in question in the presence of the parties concerned, including the petitioner and respondents 6 to 8



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and after survey, if it is found that there is encroachment on the Vandi Pathai, then the fifth respondent has to remove the encroachments by following due process of law and after affording an opportunity of hearing to the parties concerned. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[D.K.K., J.] [M.S.K., J.]
10.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

- 1.The Chief Secretary,
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4.The Revenue Divisional Officer,
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