

Writ Petition No.8948 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.8948 of 2025

Padmavathy
D/o.Shanmuga Gounder

... Petitioner

Vs.

1. The District Collector,
Erode Distirct, Erode.

2.The District Revenue Officer,
Erode District, Erode.

3.The Revenue Divisional Officer
Erode.

4.The Revenue Tahsildar,
Erode Taluk, Erode District.

5.The Revenue Inspector,
Nasiyanur, Erode Taluk,
Erode District.

6.Thangavel

7.Palanisamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of



Writ Petition No.8948 of 2025

India seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to strictly adhere to the judgement dated 17.05.2012 made in S.A.No.1555/1998 on the file of this Court in respect of the petitioner pathway right in the northern portion of the lands in S.No.560/1 at Nasiyanur "B" village, Erode District, which was affirmed by the fourth respondent in his proceedings made in Na.Ka.No.4301/2024/A3 dated 01.08.2024 in lieu of the petitioner's representation dated 21.02.2025.

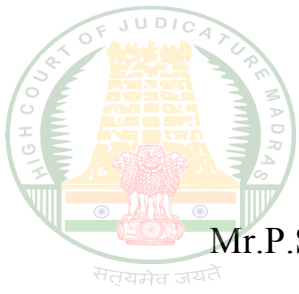
For Petitioner : Ms.V.Kopika for Mr.M.Guruprasad

For Respondents : Mr.P.Sathish
Additional Government Pleader
[R1 to R5]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the official respondents to strictly adhere to the judgment passed in S.A.No.1555/1998 dated 17.05.2012 and to protect the pathway right in the northern portion in R.S.No.431 (Natham S.No.560/1) of Nasiyanur "B" Village, Erode District, which was also affirmed by the fourth respondent in the proceedings dated 01.08.2024 by considering the representation made by the petitioner on 21.02.2025.

2. Heard Ms.V.Kopika, learned counsel for petitioner and



Mr.P.Sathish, learned Additional Government Pleader appearing for

respondents 1 to 5.

3. Learned Additional Government Pleader appearing on behalf of the official respondents submitted the written instructions received from the fourth respondent. The relevant portions are extracted hereunder:

"3) Later, Tmt.Padmavathy, W/o.Shanmuga Gounder has submitted a complaint petition dated 21.02.2025 complained that somebody have acted against the proceedings dated 01.08.2024 of the Tahsildar, Erode in the Na.Ka.4301/2024/A3 and requested to remove the encroachments in the Natham Land no.560/1 - 0.09.0 Hectares. The complainant has also stated that at the Government Level action was taken to form the drainage on the northern side of the land no.506/1 with breadth of five feet in the east-west pathway. Also, without permission, the temple is being constructed. On the complaint petition, the field staffs have submitted the enquiry report that there is no action was taken by the administration of the Nasiyanur Town Panchayat for the formation of drainage. With regard to the permission for the construction of the temple, the Executive Officer of the Nasiyanur Town Panchayat may be asked whether the temple is being constructed without permission of the Local body.

4) In this connection, the Tahsildar, Erode has sent a letter to the Executive Officer, Nasiyanur Town Panchayat in the Na.Ka.4301/2024/A3 dated 14-03-2025 instructed the Executive Officer to supervise whether the work to form the drainage without hindrance to the five feet of pathway and to supervise whether the temple is constructed with proper permission.

5) Also, the Tahsildar, Erode has informed in the Memorandum Na.Ka.4301/2024/A3 dated 17-03-2025 to Tmt.Padmavathy that the enquiry reveals that no action was taken by the administration of the Town Panchayat, Nasiyanur for the



WEB COPY



Writ Petition No.8948 of 2025

formation of drainage in the five feet pathway. Also it was informed her that the Executive Officer of Town Panchayat, Nasiyanur was instructed to supervise whether the temple is constructed without permission."

4. In the light of the above stand taken by the fourth respondent, it is seen that the pathway right of the petitioner is sought to be protected by the official respondents and an enquiry is pending before the fourth respondent. In view of the same, the fourth respondent after getting the report, shall deal with the grievance expressed by the petitioner and ensure that the right that was conferred in S.A.No.1555 of 1998 and which was affirmed by the fourth respondent through proceedings dated 01.08.2024 is protected.

This writ petition is disposed of in the above terms. No costs.

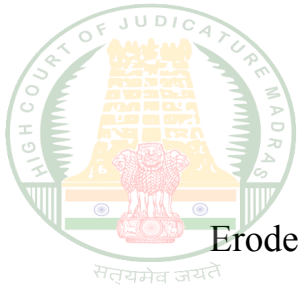
18.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To

1. The District Collector,
Erode Distirct, Erode.

2.The District Revenue Officer,



Writ Petition No.8948 of 2025

Erode District, Erode.

3.The Revenue Divisional Officer
Erode.

4.The Revenue Tahsildar,
Erode Taluk, Erode District.

5.The Revenue Inspector,
Nasiyanur, Erode Taluk,
Erode District.

N.ANAND VENKATESH, J

gm



WEB COPY



Writ Petition No.8948 of 2025

Writ Petition No.8948 of 2025

18.03.2025