



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR  
AND  
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**CONT.P(MD)NO.1285 OF 2023  
in  
W.P(MD)No.27214 of 2022**

T.Namashivayam : Petitioner/Petitioner  
.vs.

1.B.Suresh,  
Tahsildar,  
Taluk Office,  
Orathanadu,  
Thanjavur District.

2.Ramesh,  
Block Development Officer,  
Orathanadu,  
Thanajvur District. : Contemnors/Respondents 2 and 3

**PRAYER:** Contempt Petition filed under Section 11 of the Contempt of Courts Act praying this Court to punish the Contemnors/Respondents 2 and 3 for their wilful disobedience of the order of this Court made in W.P(MD)No.27214 of 2022, dated 1.12.2022.

For Petitioner : Mr.S.Vellaichamy

For Respondents : Mr.D.Sachikumar  
1 and 2 Addl.Govt.Pleader



## **ORDER**

**\*\*\*\*\***

**WEB COPY (Order of the Court was made by S.S.SUNDAR,J)**

This Contempt Petition is filed alleging wilful disobedience of the direction of this Court made in in W.P(MD)No.27214 of 2022, dated 01.12.2022, for issuance of a Writ of Mandamus directing the respondents 1 to 4 to take immediate action for removal of the obstruction caused by the fifth respondent in Karaimeetan street, situated in S.No.165B/27, Kudikadu, Raghavambal Village, Orathanadu Taluk, Thanjavur District, based on the Petitioner's representation, dated 07.11.2022.

2.Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

3.This Court, after recording the statement of the learned counsel for the Petitioner and the learned Additional Government pleader appearing for the official respondents, disposed of the Writ Petition directing the authorities to consider the representation of the Petitioner, dated 07.11.2022 on merits and in accordance with law. It was also observed that the authorities concerned shall remove any blockage in the place in question after affording



sufficient opportunity to all the parties concerned and by following due process of law.

4.It has to be noted that the Tahsildar concerned has addressed a letter to the Registry of this Bench on 12.05.2023, with the following information:

“மேற்படி வழக்கு தொடர்பாக பார்வை(1)ல் கண்டுள்ளவாறு 29.03.2023-அன்று ஓரத்தநாடு மண்டல துணை வட்டாட்சியர்-2, உருர் சரக வருவாய் ஆய்வாளர், காவல் ஆய்வாளர், வட்ட சார் ஆய்வாளர், கிராம நிர்வாக அலுவலர் ஆகியோர் ஆஜராகினார். புல எண்.165பி/27 பட்டா எண்.1452ல் து.கலியழர்த்தி(1), செ.தோழப்பன்(2), து.சிவலிங்கம்(3) பெயரில் அ-பதிவேட்டில் கூட்டுபட்டாவாக உள்ளது. இதில் 0.0153 ஏர்ஸ் பாதையாக கிராம வரைபடத்தில் ஒதுக்கப்பட்டுள்ளது. இதில் தோழப்பன் என்பவரால் கம்பிவேலி மூலம் ஆக்ரமணம் செய்யப்பட்டிருந்தது. தோழப்பன் என்பவர் கம்பிவேலியை அகற்ற ஒத்து கொள்ளவில்லை. மேற்படி இடம் பட்டா இடம் என்பதால் நடந்து செல்வதற்கு ஏதுவாக 2 மீட்டர் கம்பிவேலி அகற்றப்பட்டு பாதை வசதி ஏற்படுத்தி தரப்பட்டது என்பதை தெரிவித்து கொள்கிறேன்.”

5.From the reply given by the Tahsildar, it is seen that the Tahsildar has made an inspection and found that the property in



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S.No.165B/27 stands in the name of several individuals. It is also stated that as per FMB sketch, an extent of 0.01.53 ares is shown as pathway. While stating so, it is also mentioned that there is an encroachment made by one Thozhappan. It is also mentioned that the said Thozhappan did not cooperate for removal of fencing. From the facts, it is seen that the property in S.No.165B/27 stands in the name of three individual including one Thozhappan. Therefore it is a patta land. The Tahsildar concerned has reported that the private respondent did not cooperate for removal of his fencing. When the Petitioner seeks to exercise the right of pathway in a private land, he should establish the right of pathway either by grant or by long enjoyment or by necessity. The Tahsildar cannot declare the Petitioner's right of easement on the basis of an application submitted to the Tahsildar to consider the Petitioner's representation. The appropriate remedy available to the Petitioner is to approach the competent Civil Court and establish his right of pathway in the land belonging to three persons in whose favour the patta stands. This Court finds no merit in the Contempt Petition, as the respondent's report by his communication cited supra, addressed to the Registry is in compliance of order of this Court.



6.Hence recording compliance, the Contempt Petition is  
dismissed. No costs.

**[S.S.S.R.,J.] [D.B.C.,J.]**  
**19.07.2023**

Index:Yes/No  
Internet:Yes/No  
NCC:Yes/No  
vsn

To

- 1.B.Suresh,  
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Orathanadu,  
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- 2.Ramesh,  
Block Development Officer,  
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**AND**

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**ORDER MADE IN**

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