

In the High Court of Judicature at Madras

Dated: 23-09-2015

Coram:

The Hon'ble Mr. Justice M. Jaichandren

W.P. No.25046 of 2012 and
M.P.No.1 of 2012

S. Umsalmabeevi

.. Petitioner.

Versus

1. State of Tamil Nadu
Rep. by its Secretary,
Department of Revenue
Secretariat, Chennai-104.
2. The District Collector,
Villupuram District,
Villupuram.
3. The Revenue Tahsildar,
Ulundurpet.
4. The District Backward
Class Welfare Officer,
Collectorate Complex,
Villupuram.
5. Executive Engineer (PWD Building & Maintenance)
PWD Office,
PJN Road (Opposite to Market Committee),
Villupuram.

.. Respondents.

Prayer: Writ Petition filed to filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, forbearing the 5th respondent herein from carrying out any construction activity in S.No.349, including construction of compound wall for the 4th respondent hostel, by either interfering or disturbing the petitioner's use of the existing pathway, comprised in S.No.349/1 and 349/12, for ingress and egress for her property situate in Ulundurpet Taluk, Pidagam Village, comprised in S.No.351/3D2, and pass further orders.

For petitioner : Mr.D.Ravichander
For respondents : Mr.R.Ravichandran
Additional Government Pleader
(R1 to R3)

ORDER

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed praying that this Court may be pleased to issue a Writ of Mandamus, forbearing the 5th respondent from carrying on any construction activity in S.No.349, interfering with the petitioner's use of the existing pathway comprised in S.Nos.349/1 and 349/12, Pidagam Village, Ulundurpet Taluk.

3. The petitioner has stated that she is the owner of the property in S.No.351/3D2 in Pidagam Village, Ulundurpet Taluk. The only way available for the ingress and egress, in respect of the property in question, is through S.Nos.349/1 and 349/12, wherein, the respondents are attempting to make certain constructions. If the respondents are permitted to put up the constructions in the said survey numbers the easementary rights of the petitioner would be affected, adversely.

4. A counter affidavit had been filed on behalf of the third respondent denying the allegations made by the petitioner. It has been stated that the petitioner has other pathways available to them to reach her property, contrary to what has been stated in the affidavit filed in support of the Writ Petition. It has been further stated that the government has constructed a girls hostel for the backward class students of the area concerned. Therefore, the relief prayed for by the petitioner, in the present Writ Petition, cannot be granted.

5. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on a perusal of the records available, it is found that the lands in S.Nos.349/1 and 349/12, belong to the State government. While so, a girls hostel has been built in the said lands catering to the backward class students of the area concerned. It has also been stated by the third respondent in his counter affidavit that the petitioner has other pathways to reach her property in S.No.351/3D2. In such circumstances, this Court is of the considered view that the relief prayed for by the petitioner in the present Writ Petition cannot be granted. Hence, the Writ Petition stands dismissed. However, it goes

without saying that it may be open to the petitioner to establish her rights, if any, before the appropriate civil forum concerned in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

csb

TO

1. The Secretary,
Department of Revenue
Secretariat, Chennai-104.
2. The District Collector,
Villupuram District,
Villupuram.
3. The Revenue Tahsildar,
Ulundurpet.
4. The District Backward
Class Welfare Officer,
Collectorate Complex,
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5. Executive Engineer (PWD Building & Maintenance)
PWD Office,
PJN Road (Opposite to Market Committee),
Villupuram.

+1 cc to the Government Pleader (sr.52215)
+1 cc to Mr.D.Ravichandran, Advocate (sr.52325)

AD(co)
cp 12/10/2015

W.P. No.25046 of 2012