

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 44132 of 2016

and

W.M.P No. 38002 of 2016

M. Venkataraman

... Petitioner

Vs.

1. The District Collector
O/o. The District Collector
Krishnagiri, Krishnagiri District
2. The District Superintendent of Police
O/o. The District Superintendent of Police
Krishnagiri and District
3. The Revenue Divisional Officer
O/o. The Revenue Divisional Officer
Krishnagiri Town and Taluk
Krishnagiri District
4. The Thasildhar
O/o. The Thasildhar
Pochampalli Town and Taluk
Krishnagiri District
5. The Inspector of Police (Law & Order)
The Pochampalli Police Station
Pochampalli Town and Taluk
Krishnagiri District
6. The Revenue Inspector
Nagarasanpatti Firka M.G.Halli Post
Pochampalli Taluk
Krishnagiri District
7. The Village Administrative Officer
Mahadevagollahalli Revenue Village
M.G.Halli Post Pochampalli Taluk
Krishnagiri District
8. M.Ravi
S/o.Late.Maligan

9. K.Ramesh
S/o.Late.Kannugan

10.D.Sakthivel S/o.Late.Duraisamy
The Respoondent 8 -10
res. in Kurumbar Street
Anakkodi Village
Pochampalli Taluk
Krishnagiri District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 7 herein and to direct them to make way to the petitioner to go to his patta land and house situated in Survey Nos.864/5 864/7 868/6 868/2A 868/3 and 868/6 as usual path way through the ridges in the lands situated in Survey Nos.869/3 868/1 and 868/4-5A, 870 and 862 belong to the 8th, 9th and 10th respondents herein situated in Anakotti Village & Post Pochampalli Taluk Krishnagiri District or demarcating a alternative way to go to the petitioner's lands on the Government Porampokku Lands adjacent with the petitioner's lands as per the endorsement letter Vide O.Mu. 24905/2016/H3 dated 7.10.2016 issued by the District Collector, Krishnagiri, the 1st respondent herein on the basis of the petitioner's representation dated 01.12.2016 and pass further orders.

For Petitioner : Mr. Dalit Tiger C. Ponnusamy

For Respondents : Mr. A. Kumar,
Special Government Pleader

O R D E R

Heard Mr. Dalit Tiger C. Ponnusamy, learned counsel for the petitioner and Mr. A. Kumar, learned Special Government Pleader for the respondents.

2. By consent, the writ petition itself is taken up for final hearing, at the time of admission.

3. The Writ petition is filed seeking for a direction to the respondents 1 to 7 to make way to the petitioner to go to his patta land and house situated in Survey Nos.864/5 864/7 868/6 868/2A 868/3 and 868/6 as usual path way through the ridges in the lands situated in Survey Nos.869/3 868/1 and 868/4-5A, 870 and 862 belonging to the 8th, 9th and 10th respondents, situated in Anakotti Village & Post, Pochampalli Taluk, Krishnagiri District or demarcating an alternative way to go to the petitioner's lands on the Government Porampokku Lands

adjacent with the petitioner's lands as per the endorsement letter Vide O.Mu. 24905/2016/H3 dated 7.10.2016 issued by the District Collector, Krishnagiri, the 1st respondent, on the basis of the petitioner's representation dated 01.12.2016.

4. Learned counsel for the petitioner submitted that the petitioner got the part of the land through settlement deed by his mother Kullammal in Survey Nos. 864/5, 864/7, 868/2A, 868/3 and 868/6 situated in Anakodi Village. In the year 2013, the respondents 8,9 and 10 blocked the pathway that have been used by the petitioner for many years. Therefore, the petitioner lodged a complaint before the Inspector of Police, Pochampalli on 26.11.2013. No legal action was taken against the said respondents, inspite of repeated complaints. Hence, the petitioner submitted a representation to the District Collector, Krishnagiri on 11.08.2014. The compromise arranged by the Revenue authorities failed. On 27.09.2016 the petitioner made a representation by registered post to the respondents 1 to 7 for easement right to get usual pathway. Since no action was taken, the petitioner filed W.P. No.37216/2016, however the same was subsequently withdrawn. On 31.10.2016, again the petitioner submitted a representation to the respondents 2 to 7 but no reply was received. Hence, the petitioner filed W.P. No.42124 of 2016. Since this Court directed the petitioner to file a fresh representation to the respondents, the petitioner withdrew the same and submitted a fresh representation on 01.12.2016. On the basis of his fresh representation dated 01.12.2016 this writ petition has been filed, with the aforesaid prayer.

5. During the course of arguments, learned special Government Pleader for the respondents submitted that the relief claimed, is against the respondents 8 to 10. Therefore, the petitioner has to approach only the competent civil court to his relief.

6. As rightly submitted by the learned special Government Pleader, this writ petition cannot be entertained at this stage and the petitioner has to approach the civil court for his pathway, since he is aggrieved against the action of the respondents 8 to 10.

7. The Writ Petition is dismissed, with liberty to the petitioner to approach the civil court. Consequently, the connected M.P is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

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O/o. The District Collector
Krishnagiri, Krishnagiri District
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Mahadevagollahalli Revenue Village
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Krishnagiri District

+lcc to Mr.Dalit Tiger C. Ponnusamy, Advocate, S.R.No.75909
+lcc to the Government Pleader, S.R.No.76373

W.P.No.44132 of 2016
and
W.M.P No. 38002 of 2016

NM(CO)
CA(27/12/2016)