



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.10315 of 2016

D.Rajalakshmi

..Petitioner

Vs

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukkottai Taluk,
Virudhunagar District.

3.The Tahsildar,
Tahsildar Office,
Aruppukkottai Taluk,
Virudhunagar District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to arrange for an alternate pathway to reach the Petitioner's land in S.No.152/7 of M.Reddiyapatti Village, Aruppukkottai Taluk, Virudhunagar District based on the Petitioner's representation, dated 4.3.2016 within the time stipulated by this Court.

For Petitioner :M/s.G.Radhakrishnan

For Respondents :Mr.J.Gunaseelan Muthiah
Govt.Advocate.

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.According to the Petitioner, after purchasing 49 cents of land in S.No.152/7 situated at M.Reddiyapatti Village, Aruppukkottai Taluk, Virudhunagar District on 13.8.1987, the revenue records(including patta) also changed in her name and she



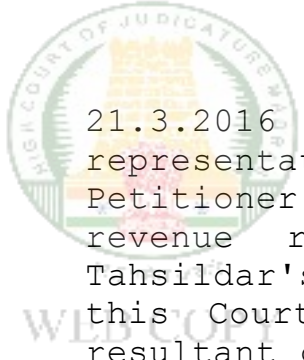
enjoyed the property peacefully without any third party disturbance. She has also paid the tax in her name.

4. The real grievance of the Petitioner is that she and other neighboring land owners regularly used the Government Union School Pathway to reach their lands. Few years ago, the school authorities constructed a compound wall in and around the school campus and as such, she was not in a position to reach the land and others could not reach their respective lands. That apart, the plea of the Petitioner is that there is another Government public pathway is there in her land which is called as 'Sarvodaya Society Pathway'. The officials of the Panchayat also permit the Petitioner and others to use the said pathway to reach their respective lands. It appears that without any information, the said 'Sarvodaya Society Pathway' was closed. Therefore the Petitioner is unable to reach her land. Hence she approached the Panchayat Officials to arrange for an alternate pathway to reach her land in S.No.152/7. The Panchayat Officials simply informed the Petitioner to approach the respondents 1 to 3. She also approached the respondents in person and aired her grievance. But inspite of the same, no steps have been taken by the respondents to arrange for an alternate pathway to reach her land.

5. It comes to be known that the Petitioner on 4.3.2016 had addressed a detailed representation to the respondents by enclosing all the revenue records and the same was received by the respondents on 8.3.2016. The Second Respondent, indeed, had sent a communication to the Third Respondent on 21.3.2016 to take suitable steps based on the representation of the Petitioner. Also the Second Respondent directed the Petitioner to approach the Third Respondent and to submit all the revenue records. He immediately approached the Third Respondent and submitted all the revenue records. Till date, the Third Respondent has not taken any steps to arrange for an alternate pathway to reach her land. Hence the Petitioner has filed the present Writ Petition.

6. At this stage, on going through the averments made by the Petitioner at Para 4 of his affidavit in the Writ Petition, this Court is of the considered view that the Petitioner has grievance that she is unable to reach her land and in fact, some years ago, the school authorities had constructed a compound wall in and around the school campus and therefore she is not in a position to reach her land and others also could not reach their respective lands. Moreover, it is the categorical case of the Petitioner that officials of the Panchayat permitted him and others to use the 'Sarvodaya Society Pathway' as public pathway.

7. Also in pursuance of the representation of the Petitioner, dated 4.3.2016 is pending and notwithstanding the fact that the Second Respondent had sent a communication to the Third Respondent on



21.3.2016 to take suitable steps based on the Petitioner's representation and in-fact, the Second Respondent had directed the Petitioner to approach the Third Respondent and to submit all the revenue records before the Third Respondent/The Tahsildar, Tahsildar's Office, Aruppukkottai Taluk, Virudhunagar District, this Court, without any haziness, comes to an inevitable / resultant conclusion that the averments at Page Nos.4 and 5 of the affidavit in the Writ Petition on the Petitioner only deals with his 'right of easement' and as such, this Court is not in a position to grant any relief to the Petitioner based on her representation, dated 4.3.2016. Viewed in that perspective, this Court closes the Writ Petition, granting liberty to the Petitioner to seek redressal of her grievance before the competent Civil Court in the manner known to law and in accordance with law, if he so desires/advised. It is open to the Petitioner to raise all factual and legal pleas and to produce all the relevant records in her favour before the said Court. No costs.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukkottai Taluk,
Virudhunagar District.
- 3.The Tahsildar,
Tahsildar Office,
Aruppukkottai Taluk,
Virudhunagar District.

+1cc to M/s.G.Radhakrishnan, Advocate SR.No.30403
+1cc to special Government Pleader SR.No.29813

SH:KBM:20.06.2016:3P/6C

W.P (MD) No.10315 of 2016