



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANWrit Petition (MD) No.17606 of 2016andW.M.P (MD) No.12720 of 2016

1.Kizavarajan

2.T.Murugesapandian

3.Narayanamurthy

4.Rajamanoharan

... Petitioners

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

3.The Assistant Superintendent of Police,
Kamuthi,
Ramanathapuram District.

4.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from in any way putting up a fence or compound around the cart track in S.Nos.144/1,2,3,4 & 5, Kottamedu, Kamuthi Taluk, Ramanathapuram District thereby blocking the right of ingress and egress to the patta lands of the petitioners.

For Petitioners : Mr.Y.Prakash

For Respondents : Mr.K.P.Krishnadoss,
Government Advocate.

ORDER

The prayer in the writ petition is to forbear the respondents from in any way putting up a fence or compound around the cart track in S.Nos.144/1,2,3,4 & 5, Kottamedu, Kamuthi Taluk, Ramanathapuram District thereby blocking the right of ingress and egress to the patta lands of the petitioners.



2. Heard Mr.Y.Prakash, learned counsel appearing for the petitioners and Mr.K.P.Krishnadoss, learned Government Advocate appearing for the respondents.

3. The case of the petitioners is that there are several patta lands including the agricultural lands and house sites in S.Nos.146/3C, 146/3E, 146/3, 142/3 and 142/4B, 142/4A and 143/4 and the only ingress and egress to their lands through a cart track in S.Nos.144/1,2,3 leading from Madurai - Kamuthi Main Road. While so, the respondents 2 and 3 put up notice boards in the area where the cart track is situate stating that the above said lands in Survey Nos.144/1,2 and 3 are belonging to them and started to put up compound wall covering the cart track which is blocking the entire cart track. Therefore, the petitioners have filed this writ petition.

4. When the matter came up for hearing on 20.10.2016, this Court directed the Tahsildar to inspect the above said disputed land and file a report stating that whether the petitioners are using the land as cart track as well as pathway to have ingress and egress to the main road and any other alternative pathway is available and also the extent of land occupied by the third respondent.

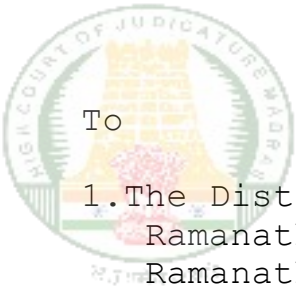
5. Pursuant to the said direction, the Tahsildar, Kamuthi Taluk has filed report stating that the above said lands are vested with the Police Department now construction of compound wall was almost over and these lands are not using as cart track as well as pathway to have ingress and egress to the main road. It is further stated that the Police Department have constructed compound wall surrounding the land comprised in S.No.144/1, 144/4 and 144/5 which are in possession of the Police Department. It is further stated that as per the revenue records, the above said lands are in exclusive custody and possession of the Police Department.

6. Considering the report filed by the fourth respondent, the relief sought for by the petitioners cannot be granted. Accordingly, the writ petition is dismissed. However, it is always open to the petitioners to approach the competent Civil Court to establish their title over the cart track/pathway, if any exists there. No costs. Consequently, W.M.P.(MD)No.12720 of 2016 is closed.

Sd/-

Assistant Registrar(AE)

/True copy/



To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

3.The Assistant Superintendent of Police,
Kamuthi,
Ramanathapuram District.

4.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.

+1 cc to The Special Government Pleader in SR.No. 79002

+1 cc to M/s.Y.Prakash, Advocate in SR.No. 79747

SMS

CSL/SS-2/21.12.2016: 3P/7C

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and
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