



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 08.11.2016**

CORAM:

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU**  
**and**  
**THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

**W.P(MD)No.21319 of 2016**

R.Ramasamy

.. Petitioner

Vs.

1.The District Collector  
Dindigul District, Dindigul.

2.The Tahsildar,  
Tahsildar Office,  
Vedasanthur,  
Dindigul District

3.Kariamala

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1<sup>st</sup> respondent to consider the representation dated 24.10.2016 made by the petitioner within time stipulated by this Court.

For Petitioner : Mr.P.Ramadurai

For Respondents : Mr.M.Govindan

Spl. Government Pleader

**ORDER**

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner has come up with this writ petition alleging that he has got ten acres of land comprised in S.Nos.580/3, 581/1, 571/1, 571/2A7, 572, 572/12A and 580 to an extent of 10 acres in Kuttam Village, Vedasandur Taluk, Dindigul District. According to him, he has got right of way over the lands comprised in S.Nos.576, 708 and 709. He further claims that he has been using the pathway for the past 50 years for reaching his land. He has further alleged that the 3<sup>rd</sup> respondent has purchased the property comprised in S.No.707 and he has obstructed the above said pathway. Therefore, he has come up with this writ petition seeking a direction to the 1<sup>st</sup> respondent to remove the said obstruction.



2. We have heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2 and we have not issued notice to the third respondent.

3. From the narration of the facts made in the affidavit, it is crystal clear that the land comprised in S.Nos. 576, 708 and 709 are not Government poramboke land and it is a private land belong to the third parties. If the petitioner has got right to use the said land as pathway, it is for him to establish the said right either easement right or any other right. In order to ascertain whether he has got any such right, it is absolutely necessary to hear the owner of the land comprised in other three survey numbers. But, unfortunately, they are not parties before this Court. At any rate, the dispute raised in this case is civil in nature, which is to be decided only by the competent civil Court on evidence. The so called right that the petitioner claims is a matter only to be gone into by the civil Court and resolved.

4. In such view of the matter, the relief sought for by the petitioner cannot be granted and we hold that the writ petition is highly misconceived. Accordingly, the writ petition is dismissed, leaving it open for the petitioner to work out his remedy before the civil Court. No costs.

sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

RR

To

1.The District Collector  
Dindigul District, Dindigul.

2.The Tahsildar,  
Tahsildar Office,  
Vedasanthur,  
Dindigul District

+1CC to Mr.R.Ramadurai, Advocate Sr.No.66682

+1CC to Spl.Government Pleader Sr.No.67053

Gjm/DB/30.11.16-2p-5C

**ORDER MADE IN**  
**W.P(MD)No.21319 of 2016**  
**08.11.2016**