



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.21365 of 2016

P.R.Athappan

: Petitioner

Vs.

1. The District Collector,
Madurai District, Madurai.
2. The Junior Engineer,
(Construction & Maintenance),
Highways Department,
Madurai West Division,
Madurai District.
3. The Divisional Engineer,
(Construction & Maintenance),
Highways Department,
K.Pudhur, Madurai District.
4. The Tahsildar,
Madurai West Taluk,
Madurai District.
5. Palani
6. Dhanam
7. Nagaraj
8. Subbaiah
9. Thomas

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 29.07.2016, to remove the encroachment made by the respondents 5 to 9 in the Public Pathway in Survey No.193/8, 11, situated in Thuvariman Village Group, Madurai West Taluk, Madurai District.

For Petitioner

: Mr.V.Kannan

For Respondents 1to4

: Mr.M.Govindan,

Special Government Pleader

**O R D E R****[Order of the Court was made by S.NAGAMUTHU, J.]**

The petitioner has come up with this Writ Petition seeking a direction to the first respondent to consider his representation, wherein he has represented that the encroachment made by the respondents 5 to 9 on the public pathway in Survey No.193/8, 11, situated in Thuvariman Village Group, Madurai West Taluk, Madurai District, should be removed.

2. This Writ Petition has come up today for admission. We have heard the learned counsel for the petitioner and Mr.M.Govindan, learned Special Government Pleader, entering appearance for the respondents 1 to 4. We have also perused the records carefully.

3. A perusal of the records would go to show that the petitioner has not produced any iota of evidence to show that the property in question is a public pathway, that too, the same belongs to the Government. In the absence of such *prima facie* material, we cannot grant the relief as prayed for. The Writ Petition is, therefore, dismissed. No costs.

Sd/-

Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

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(Construction & Maintenance),
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Highways Department,
K.Pudhur, Madurai District.
4. The Tahsildar,
Madurai West Taluk,
Madurai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 67057

SML

TE/GSV-PM : 23/11/2016 : 2P/6C

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Order made in
W.P. [MD] .No.21365 of 2016
Dated: 08.11.2016