

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.7042 of 2017

A.Pounambal

... Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Ulundurpet Taluk,
Villupuram District.
3. The Assistant General Manager,
Highways Department,
Villupuram Taluk & District.
4. Muthulakshmi
5. Subash
6. Sudhakar
7. Sivaraaj

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents, particularly the respondents 1 to 3 to take necessary action to clear the obstructions made in the pathway leading to the highway road of the petitioner house, situated at Koothanur village, Ellai-Gramam & Post, Ulundurpet Taluk, Villupuram District in Gramanatham, Patta No.362, comprised in Survey No.279/12, to an extent of 0030 sq. mtr. on the basis of the petitioner's representation dated 20.01.2017.

For Petitioner

: Mr.R.Thanjan

For Respondents

: Mr.M.K.Subramanian
Government Pleader
for respondents 1 to 3

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.M.K.Subramanian, learned Government Pleader takes notice for respondents 1 to 3.

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for respondents 1 to 3.

3. The petitioner has filed this writ petition seeking for issuance of a writ of mandamus directing respondents 1 to 3 to take action to clear the obstructions made in the pathway leading to the highway road of the petitioner house, situated at Koothanur village, Ellai-Gramam & Post, Ulundurpet Taluk, Villupuram District in Gramanatham, Patta No.362, comprised in Survey No.279/12, to an extent of 0030 sq. mtr. on the basis of the petitioner's representation dated 20.01.2017.

4. It is the case of the petitioner that the pathway leading to the highway road used by the petitioner was encroached by respondents 4 to 7 and put up a bunk shop and thus, blocked the entire pathway. The petitioner has filed O.S.No.295 of 2016 on the file of Principal District Munsif Court, Ulundurpet, wherein he had obtained interim injunction restraining the respondents therein from interfering with the peaceful possession and enjoyment of the house property of the petitioner. Respondents 4 to 7 continued in torturing the petitioner and his family members. Hence, the writ petition is filed seeking the relief stated supra.

5. The learned counsel for the petitioner submits that the encroachment on the pathway by respondents 4 to 7 is causing inconvenience to the petitioner. He further submits that because of the act of respondents 4 to 7, the easementary rights of the petitioner are affected.

6. The learned Government Pleader submits that since the petitioner has already approached the civil court, he can very well approach the said civil court for appropriate relief.

7. As far as the allegation of encroachment of pathway by respondents 4 to 7 is concerned, it is for the respondent authorities to look into the same after causing an inspection at site and pass appropriate orders on the representation of the petitioner.

8. If there is any easementary right of the petitioner being affected, she may work out in civil proceedings in accordance with law.

9. The writ petition is disposed of, giving liberty to the petitioner to approach the civil court for the relief of easementary right. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Ulundurpet Taluk,
Villupuram District.
3. The Assistant General Manager,
Highways Department,
Villupuram Taluk & District.

+1cc to Mr.R.Thanjan, Advocate, S.R.No.18368
+1cc to the Government Pleader, S.R.No.18698

W.P.No.7042 of 2017

SSI(CO)
CA(11/04/2017)

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