

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.17732/2017

C.Sankaran

..

Petitioner

Vs

The Tahsildar
O/o.The Tahsildar, Nallampalli
Taluk, Dharmapuri District.

..

Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent to consider the representation of the petitioner dated 04.01.2017 which has been given to the respondent to remove the encroachment made in S.No.191, 147, 192, 193 and 195/5 obstructing the pathway for the ingress and egress and also the easement right having access to reach the petitioner's land in S.No.195/6 and 195/7 of Adiyaman Kottai Village, Nallampalli Taluk, Dharmapuri District by virtue of section 145 of the Code of Criminal Procedure.

For Respondent : Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondent.

2 The petitioner claims right of pathway in respect of the lands in S.Nos.191, 147, 192, 193 and 195/5 of West Athiyamankottai Village, Nallampatti Taluk, Dharmapuri District. A perusal of the materials placed before this Court would indicate that it is not clear whether the lands are classified as Government Poramboke or not. It appears tht the petitioner is claiming a right of Easement and in the considered opinion of the Court, the remedy, if any, available to the petitioner is to invoke Common Law remedy and hence, the writ petition is not maintainable.

3 Therefore, the writ petition is dismissed as not maintainable at the admission stage itself and the petitioner, if so advised and if it is open to him under law, is entitled to avail common law remedy before

the competent Civil Forum. No costs.

[M.S.N., J.,] [N.S.S., J]
13.07.2017

Index : No

Internet : Yes

AP

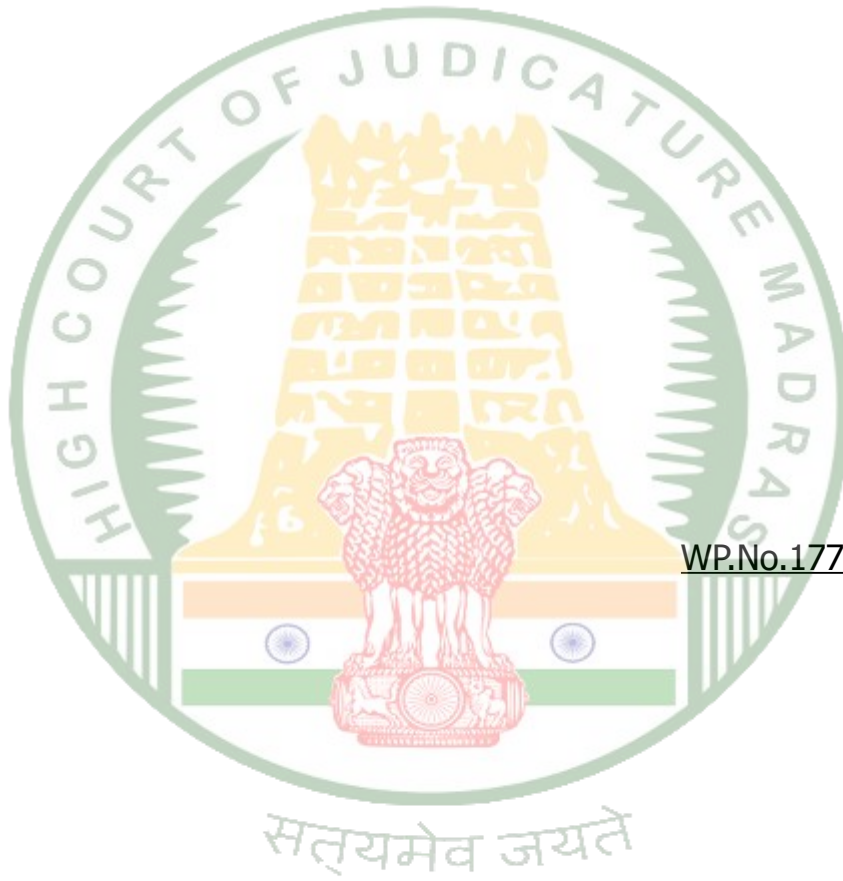
To

The Tahsildar
O/o.The Tahsildar, Nallampalli
Taluk, Dharmapuri District.



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M.SATHYANARAYANAN, J.,
AND
N.SESHASAYEE, J.,
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