



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.[MD].No.11283 of 2017

WEB COPY

P.Chellammal : Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Revenue Divisional Officer,
Tiruchendur Taluk,
Thoothukudi District.
- 3.The Thasildar,
Tiruchendur Taluk,
Thoothukudi District.
- 4.The Block Development Officer,
Alvar Thirunagiri Union,
Thenthirupperai,
Thoothukudi District.
- 5.The Sub Inspector of Police,
Kurumbur Police Station,
Kurumbur,
Thoothukudi District.
- 6.The Special Officer,
Angamangalam Village Panchayat,
Angamangalam.
- 7.Village Administrative Officer,
Angamangalam Village Panchayat,
Angamangalam.
- 8.V.Thamilarasan : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachments made in Survey No.202/1 and 282/28, "Maruthuvar North Street" in Angamangalam Village, Tiruchendur Taluk, Thoothukudi District and based on the



petitioner's representation dated 06.04.2017 within the time stipulated by this Court.

For Petitioner : Mr.P.Balamurugan

For Respondents 1to7: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

For Respondent No.8 : Mr.C.Saravanakumar,
For Mr.S.R.A.Ramachandran

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this Writ Petition to direct the respondents 1 to 7 to remove the encroachment stated to have been caused by the eighth respondent in respect of a public property in Survey Nos.282/1 and 282/28, Maruthuvar North Street, Angamangalam Village, Tiruchendur Taluk, Thoothukudi District.

2. The counter-affidavit filed by the Tahsildar, Tiruchendur, indicates that as per the revenue records, the property in Survey Nos.282/1 and 282/28, is shown as 'Raiyathu Punjai and Rayathu Manai'. The property stands in the name of one Mrs.Seethaiyammal. The said Seethaiyammal is not a party to the Writ Petition.

3. The petitioner claims easementary right over the property in question. According to the learned counsel for the petitioner, the petitioner has been using the pathway in the subject property for the purpose of ingress and egress to her house.

4. There is no question of deciding the easementary right claimed by the petitioner in a Writ Petition filed under Article 226 of the Constitution of India. It is always open to the petitioner to approach the Civil Court to redress her grievances.

5. The Writ Petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Tiruchendur District,
Thoothukudi.



2.The Revenue Divisional Officer,
Tiruchendur Taluk,
Thoothukudi District.

3.The Thasildar,
Tiruchendur Taluk,
Thoothukudi District.

4.The Block Development Officer,
Alvar Thirunagiri Union,
Thenthirupperai,
Thoothukudi District.

5.The Sub Inspector of Police,
Kurumbur Police Station,
Kurumbur,
Thoothukudi District.

+1cc to M/S.Special Government Pleader,SR.68976

+1cc to Mr.S.R.A.Ramachandran,Advocate,SR.68182

+1cc to Mr.P.Balamurugan,Advocate,SR.68116

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SML

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