



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 13179 of 2017

S.S.Jayadevan

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai.

3.The Thasildar,
Madurai East Taluk,
Y.Othakkadai, Madurai.

.. Respondents

Respondents 2 & 3 are impleaded vide Court order dated 20.07.2017 in WMP (MD) 10476/2017.

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the gate in front of the common pathway and to ingress and egress to use the pathway of Sai Devotees by considering the petitioner's representation dated 04.07.2017.

For petitioner : Mr.K.V.Ramkumar
For Respondents : Mr.T.S.Md.Mohideen
Additional Government Pleader

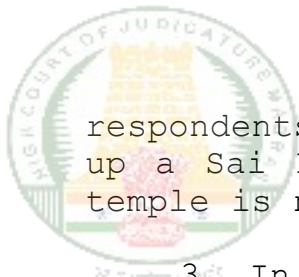
O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This writ petition has been filed for directing the respondents authorities to remove the gate in front of the common pathway that obstructs the free movement of the general public to reach the Sai Baba temple in question.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The learned Additional Government Pleader appearing for the



respondents, on instructions submitted that a group of residents put up a Sai Baba Temple and that the path way leading to the said temple is not a public path way.

3. In view of the above this Court cannot give any direction for removal of the obstruction caused over the said path way. In as much as the writ petitioner has not furnished any material to show that it is a public pathway and in view of the specific submission made by the learned Additional Government Pleader appearing for the respondents that the pathway is a private path way, no relief can be granted in this writ petition.

4. Accordingly this writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai.

3.The Thasildhar,
Madurai East Taluk,
Y.Othakkadai,
Madurai.

+1cc to Mr.T.S.MOHAMED MOHIDEEN Advocate in SR. NO.71073

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.71639

DAS/RMK

JS/GT/SAR.2/29.08.2017/2P-6C

ORDER MADE IN

W.P. (MD) No. 13179 of 2017

07.08.2017