



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.08.2017
CORAM:
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P (MD) No.16103 of 2017

M.Gandhi Selwyn,
Managing Director,
GSJ Constructions Private Limited,
Tenkasipattanam, Melameignanapuram,
Tirunelveli District.

.. Petitioner

Vs.

1. The Revenue Divisional Officer cum
Executive Sub Divisional Magistrate,
Tenkasi, Tirunelveli District.

2.Paulsamy

3.Chellasamy

4.Thirumalaikozhunthu

5.Muthuraj

6.Thasarathan

7.Mariappan

8.Murugesan

9.Paramasivan

10.Vaikundarajan

11.Athiappan

12.Sudalai

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to dispose the petition in Na.Ka.No.A2/5051/2017, dated 03.07.2017 to remove the obstruction and to restore the passage from 2 to 12 respondents in the property mentioned as SADR in the rough sketch.



For Petitioner : Mr.N.Ananthapadmanabhan

For Respondent No.1 : Mr.G.Muthukannan,
Government Advocate.
R.2 to R.12 - Dispensed with.

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ORDER

This writ petition is filed seeking a writ of Mandamus to direct the first respondent to dispose of the petition in Na.Ka.No.A2/5051/2017, dated 03.07.2017, seeking to remove the obstruction made by the respondents 2 to 12 and restore the passage in the property mentioned as SADR in the Rough Sketch.

2.Mr.G.Muthukannan, learned Government Advocate, takes notice for the first respondent. In view of the nature of the relief sought for by the petitioner, notice to the respondents 2 to 12 is dispensed with.

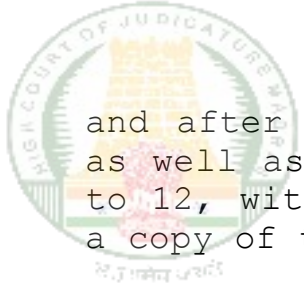
3.By consent of both the parties, this writ petition is taken up for hearing at the stage of admission itself.

4.Heard both sides.

5.The case of the petitioner is that he purchased the property to an extent of 2.90 cents, which has been described as APQD in the Rough Sketch [filed in the Typed Set of papers] and he left the same for public purpose along with the cart way, which has been mentioned as SADR. On the northern side of SADR, a railway track, passes from east to west, is situated and on its southern side, a road, passes from east to west, which is called as Ramachandrapuram Road, is situated and the passage SADR is the only access to the area, which lies beyond the unmanned level crossing on the north. The grievance of the petitioner is that the respondents 2 to 12 had made obstruction in the said passage and therefore he filed a petition under Section 133 Cr.P.C. before the first respondent, seeking to remove the obstruction and restore the said passage. But, no action was taken. Therefore, the petitioner is before this Court.

6.The learned counsel for the petitioner would submit that it would be suffice, if the petition filed by the petitioner, dated 03.07.2017, is disposed of, by the first respondent as per law.

7.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the first respondent to consider the petition filed by the petitioner dated 03.07.2017, and pass appropriate orders on its own merit and in accordance with law, after issuing due notice



and after affording due opportunity of hearing to the petitioner as well as all the interested parties including the respondents 2 to 12, within a period of eight weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

The Revenue Divisional Officer cum
Executive Sub Divisional Magistrate,
Tenkasi, Tirunelveli District.

+1cc to Mr.N.Ananthapadmanabhan, Advocate SR.No.74866

+1cc to The Spl.Government Pleader Sr.No.75057

SMN

VB/MR/KKR/SAR1/13/09/2017/3P/4C

ORDER MADE IN
W.P(MD)No.16103 of 2017
28.08.2017