



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3953 of 2017

A.Manipandi

... Petitioner

Vs.

1. The District Collector,
Collectrate Campus,
Dindigul District.
2. The Revenue Divisional Officer,
Dindigul Revenue Division,
Dindigul.
3. The Tahsildar,
Athoor Taluk,
Dindigul District.
4. The Panchayat Secretary,
Chitharevu Panchayat,
Dindigul District.
- 5.Palanichamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents Nos.1 to 4 to remove the encroachment made by the 5th respondent in the Common Pathway in between Survey Numbers 1246/14 and 1246/15 and consequently to remove the encroachment in Survey No.1246/15 situated at Salai Pudur, Chitharevu Panchayat, Authoor Taluk, Dindigul District by considering the petitioner's representation dated 24.09.2016 and for other reliefs.

For Petitioner

: Mr.L.Lawrance

For Respondents 1 to 4

: Mr.T.S.Mohamed Mohideen
Additional Government Pleader

: Mr.S.Lenin Prabu

O R D E R

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

The writ petitioner seeks removal of the encroachment made by the fifth respondent in certain survey numbers mentioned in the writ petition. He gave a representation dated 24.09.2016 to the authorities. Since it was not considered, he filed the present writ petition.

2.The Thasildhar, Athoor has filed a counter affidavit stating that there is no public pathway in the survey numbers mentioned by the writ petitioner. The land in question is actually classified as Natham. If there is any common lane between the writ petitioner and the fifth respondent and dispute had arisen in respect of the same, it is for him to move the Civil Court. Filing writ petition is not the remedy.

3.Since the Thasildhar, Athoor has filed a counter affidavit stating that patta in respect of Survey No.1246/15 is in the name of the wife of the fifth respondent, this Court cannot issue any direction. This Writ Petition stands dismissed. However, liberty is given to the writ petitioner to work out his right in the manner known to law. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectrate Campus,Dindigul District.
2. The Revenue Divisional Officer,
Dindigul Revenue Division,Dindigul.
3. The Tahsildar,
Athoor Taluk, Dindigul District.
4. The Panchayat Secretary,
Chitharevu Panchayat,Dindigul District.

+ 1 cc TO Mr.L.Lawrance , Advocate in SR No. 70035
+ 1 cc TO Mr.T.S.Mohamed Mohideen , Advocate in SR No. 70318
+1cc to The Special Government Pleader in SR.No.70965

rmi/gns

AE/KP/SAR2/26.10.2017/2P/8C