



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

AND

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. [MD] No. 3977 of 2013

and

M.P. (MD) No. 1 of 2013

V. Jeyachandran

: Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

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

3. The Tahsildhar,
Sathankulam Taluk,
Thoothukudi District.

4. P. Rajendran

5. R. Chellakili

6. S. Visalatchi

7. P. Jesudasan

: 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 3 to remove the encroachment made in the pathway in Sr.No.683/3 of Puthukulam Village, Sathankulam Taluk, Thoothukudi District.

For Petitioner : Mr. P. Prakash

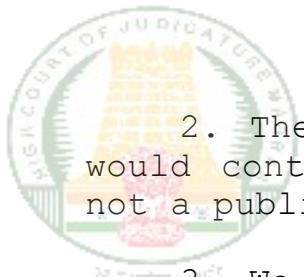
For Respondents 1 to 3 : Mr. T. S. Mohammed Mohideen,
Additional Government Pleader

For Respondents 4 to 7 : Mrs. Anbarasi Dhanaseelan,
For Mr. C. Dhanaseelan

O R D E R

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

The writ petitioner seeks a direction for removal of encroachment made by the respondents 4 to 7.



2. The learned counsel appearing for the private respondents would contend that the subject pathway is a private pathway and not a public pathway, as claimed by the writ petitioner.

3. We do not want to go into the factual dispute. We direct the third respondent to hold an enquiry on the representation made by the writ petitioner dated 13.02.2013. It is open to the private respondents herein to establish that the subject pathway is a private pathway and not a public pathway. If the Tahsildar finds that it is a public pathway, he shall take action to remove the encroachment after giving due notice to the private respondents herein and the other encroachers, if any.

4. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.
- 3.The Tahsildhar,
Sathankulam Taluk,
Thoothukudi District.

+1cc to Mr.C.Dhanaseelan ,Advocate,SR.67232

+1cc to Mr.R.Balakrishnan,Advocate,SR.67506

+1cc to M/S.Special Government Pleader,SR.67927

W.P.[MD].No.3977 of 2013

24.07.2017

SML

KK/MR KKR/SAR2/04.08.2017/2P-7C