

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.03.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.26147 of 2016

P.Nagarajan

...Petitioner

vs

1.The District Collector,
Krishnagiri District,
at Krishnagiri.

2.The Revenue Divisional Officer,
Denkanikottai Taluk,
Krishnagiri District.

3.The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

4.The Village Administrative Officer,
Palayamkotai Panchayat,
Denkanikottai Taluk,
Krishnagiri District.

5.Parvathy Menon

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to consider the petitioner's representation dated 18.12.2015 and thereby direct the respondents 1 to 4 to remove the fencing put up by the fifth respondent in the common pathway in Survey No.186 and 335 of Palayamkottai Village Panchayat, Denkanikottai Taluk, Krishnagiri District.

For petitioner : Mr.A.Rajesh Kanna

For Respondents: Mr.R.Govindasamy for R1 to R4
Special Government Pleader
Mr.K.F.Manavalan for R5

O R D E R

The petitioner seeks for a mandamus directing the respondents 1 to 4 to consider his representation dated 18.12.2015, wherein and whereby he sought for removing the fence put up by the fifth respondent in a pathway situated in Survey Nos.186 and 335 of Palayamkottai Village Panchayat, Denkanikottai Taluk, Krishnagiri District, which according to the petitioner is a common pathway.

2.Learned counsel for the fifth respondent disputes such claim. This Court, at this stage, is not expressing any view on the rival claims made by the parties, as it is for the official respondents, more particularly, the third respondent to consider and decide about the merits of the claim made by the petitioner as well as the fifth respondent.

3.Therefore, without expressing any view on the merits of the claim made by the respective parties, this writ petition is disposed of, by directing the third respondent to consider the representation of the petitioner and pass orders on merits and in accordance with law after hearing the petitioner as well as the fifth respondent and other interested parties if any. Needless to say that the third respondent will ascertain whether the pathway situated at S.Nos.186 and 335 is a common pathway as claimed by the petitioner or is a private pathway as claimed by the fifth respondent. If it is found that it is a common pathway, the Tahsildar will take appropriate action. If it is found that it is a private pathway, then the Tahsildar will direct the parties to agitate the matter before the Civil Court.

With the above directions and observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-ix)

//True Copy//

Sub Assistant Registrar

vri

To

1.The District Collector,
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at Krishnagiri.

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Krishnagiri District.

3.The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

4.The Village Administrative Officer,
Palayamkotai Panchayat,
Denkanikottai Taluk,
Krishnagiri District.

+lcc to Mr.A.RAJESHKANNA, Advocate, S.R.No. 16381
+lcc to Mr.K.F.MANAVALAN, Advocate, S.R.No. 16037

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NRK(CO)
TR(20/03/2018)



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