



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2018

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

Writ Petition (MD).No.2541 of 2018
and
W.M.P.(MD)No.2752 of 2018

B.Ravikumar

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Sivakasi West Taluk,
Virudhunagar District.

3.The Block Development Officer/Special Officer,
Duraismipuram Village Panchayat,
Vembakkottai Panchayat Union,
Vembakkottai,
Virudhunagar District.

4.Subramanian

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take necessary action to remove the encroachment made by the 4th respondent in Natham SF. Nos.1070/27 and 1070/1, those are classified as Government Poraboke, pathway, at Ammapathy, Duraismypuram Village, Sivakasi West Taluk, Virudhunagar District.

For Petitioner : Mr.T.Vadivelan
For Respondents 1 to 3 : Mr.S.Dayalan
Government Advocate
For Respondent No.4 : Mr.M.Thirunavukkarasu

ORDER

(Order of the Court was made by T.S.SIVAGNANAM, J)

<https://hcservices.courts.gov.in/hcservices/>
heard Mr.T.Vadivelan, learned counsel appearing for the
petitioner, Mr.S.Dayalan, learned Government Advocate appearing for



the respondents 1 to 3 and Mr.Thirunavukkarasu, learned counsel for the fourth respondent.

2.This writ petition has been filed alleging that the fourth respondent has encroached into the common pathway. Therefore, the writ petitioner has given representation to the respondents 1 and 2. Since no action was initiated, the petitioner has approached this Court.

3.The petitioner has given the representation to Village Administrative Officer and police authority that too only on 22.01.2018 and immediately on 07.02.2018, this writ petition has been filed. This is sufficient to dismiss the writ petition. Apart from that, from the facts, we found that the property of the petitioner and the fourth respondent are situated almost adjacent to each other. The dispute is with regard to a small pathway. The 'FMB' sketch shows that on the rear side of the path way 3 plots bearing Survey Nos.1070/24, 25 and 26, in which, Survey No.1070/24 is owned by the petitioner and Survey No.1070/26 is owned by the fourth respondent. Admittedly, the fourth respondent has blocked the pathway and put up the construction. Therefore, the pathway from the road which is about 1.6 m and cannot be used by anyone as Survey No.1070/23 -is upto the petitioner's house. When the fourth respondent has demolished the old house and commenced construction, the present compliant has been given. In our considered view, the dispute between the parties is purely a private dispute and though it should stated as public pathway, it is not a public pathway and it is rear side of the pathway owned by the petitioner and the fourth respondent. With regard to the property owned by the persons, who are on the other side of the path way they have given an affidavit stating that they have never been using the pathway. Therefore, we are of the view, that the present attempt of the writ petitioner is on account of personal misunderstanding between himself and the fourth respondent.

4.In such a dispute, we are not inclined to issue any direction to the revenue authorities to take action. Thus, for the above reasons, we decline to grant the relief sought for in this writ petition. Thus, the writ petition is dismissed. No Costs. Consequently, W.M.P.(MD)No.2752 of 2018 is closed.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District,

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



2.The Tahsildar,
Sivakasi West Taluk,
Virudhunagar District.

3.The Block Development Officer/Special Officer,
Duraismipuram Village Panchayat,
Vembakkottai Panchayat Union,
Vembakkottai,
Virudhunagar District.

+1CC to Mr.M.Thirunavukkarasu, Advocate, SR.No. 52593

+1CC to Mr.T.Vadivelan, Advocate, SR.No. 52608

+1CC to the Special Government Pleader SR.No.53346

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Mrn

AM/KKR/SAR 1/19.03.2018/3P/7C