



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2018

CORAM:

WEB COPY

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

Writ Petition (MD).No.21319 of 2017

M.Ponkumaran

... Petitioner

Vs.

1. The District Collector,
Thoothukudi,
Thoothukudi District.
2. The Tahsildar,
Thiruchendur Taluk,
Thiruchendur,
Thoothukudi District.
3. The Block Development Officer,
Thiruchendur Town Panchayat,
Thiruchendur,
Thoothukudi District.
4. The Executive Officer,
Thiruchendur Town Panchayat,
Thiruchendur,
Thoothukudi District.
5. The Assistant Electric Engineer Distribution,
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO)
Thiruchendur,
Thoothukudi District.
6. Murugesan
7. Vetrivel
8. Jeyabal
9. Ganesan

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of O.Mu.Aa2/8794/2017, dated 22.09.2017 passed by the second respondent and quash the same and consequently direct the respondents 1 to 4 to



remove the wall constructed across the Bharathiyar Street, Thiruchendur, Thoothukudi District.

For Petitioner : Mr.R.Murugappan
For Respondents 1 to 3 : Mr.V.R.Shanmuganathan
Special Government Pleader
For Respondent No.4 : Mr.T.S.Mohammed Mohideen
Standing Counsel
For Respondent No.5 : Mr.S.M.S.Johny Basha
For Respondents 6 to 9 : Mr.J.Ashok

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ORDER

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

Heard Mr.R.Murugappan, learned counsel appearing for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3, Mr.T.S.Mohammed Mohideen, learned standing counsel for the fourth respondent, Mr.Johny Basha, learned counsel for the fifth respondent and Mr.J.Ashok, learned counsel for the respondents 6 to 9.

2.The petitioner has filed the writ petition, challenging the proceedings of the second respondent dated 22.09.2017, by which, the petitioner was informed that the allegation made by him that there is common pathway which has been blocked by the respondent, is incorrect, as there is no such pathway in the record. The learned counsel for the petitioner submitted that the public of the area has clearly admitted that there was a path way in existence and in the Encumbrance Certificate, the pathway has been stated as Bharathi street. Whether there is a lane in existence or not is a serious dispute and whether this was blocked by construction or not cannot be decided in this writ petition.

3.We direct the second respondent to conduct a survey of the area in the presence of the petitioner and the respondent, consider their respective grievance and pass appropriate orders in accordance with law based on the survey conducted.

4.The above direction should be complied with within a period of eight weeks from the date of receipt of copy of this order. The writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Thoothukudi,
Thoothukudi District.

2. The Tahsildar,
Thiruchendur Taluk,
Thiruchendur,
Thoothukudi District.

3. The Block Development Officer,
Thiruchendur Town Panchayat,
Thiruchendur,
Thoothukudi District.

+ 1 CC TO Mr.R.MURUGAPPAN, ADVOCATE IN SR No. 52799

+ 1 CC TO Mr.T.S.MOHAMED MOHIDEEN, ADVOCATE IN SR No. 52714

MRN

TE/KK/SAR-4 : 21/03/2018 : 3P/6C

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