



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.20369 of 2019

and

W.M.P. (MD)No.16986 of 2019

V.Rengamannar

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

3.The Thasildar,
Sivagiri Taluk,
Tirunelveli District.

4.The Block Development Officer,
Vasudevanallur Block,
Vasudevanallur.

5.The Executive Officer,
Sivagiri Town Panchayat,
Sivagiri.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents from putting up a compound wall surrounding the land in S.no.1207 in Viswanathaperi-I village in Sivagiri Taluk, Tirunelveli District, without making any other alternative arrangement for pathway to the farmers to reach their lands, situated beyond S.No.1207 from the Sivagiri main road.

For Petitioner	: Mr.R.Suriyanarayanan
For Respondents 1 to 4	: Mr.M.Murugan, Govt. Advocate
For 5 th Respondent	: Mr.D.Muruganantham, St. Counsel



ORDER

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

Heard Mr.R.Suriyanarayanan, learned counsel appearing for the petitioner, Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 4 and Mr.D.Muruganantham, learned counsel appearing for the fifth respondent.

2.The petitioner by way of this "Public Interest Litigation" seeks for a direction to forbear the respondents from putting up a compound wall surrounding the land in S.no.1207 in Viswanathaperi-I village in Sivagiri Taluk, Tirunelveli District, without making any other alternative arrangement for pathway to the farmers to reach their lands, situated beyond S.No.1207 from the Sivagiri main road.

3.It is not in dispute that the entire area has been classified as 'Mayanam'. Probably, the people have been using part of the land as a pathway. That cannot confer any indisputable right on the petitioner or any other villagers to state that it is a road or pathway. The respondents have duty to protect the places earmarked as 'burial ground or cremation ground'. The petitioner has made representations in this regard. Without expressing anything on the merits of the same, we direct the third respondent to consider the said representation in accordance with law.

4.Accordingly, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

mrn/sji

To

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.



3.The Thasildar,
Sivagiri Taluk,
Tirunelveli District.

4.The Block Development Officer,
Vasudevanallur Block,
Vasudevanallur.

5.The Executive Officer,
Sivagiri Town Panchayat,
Sivagiri.

+1 CC to M/s.R.SURIYANARANAN, Advocate (SR-88174[F] dated
20/09/2019)

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