



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

CORAM

THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

W.P.(MD) No.16109 of 2015

WEB COPY

C.Krishnaveni

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Project Director,
District Rural and Development Agency Department,
Collectorate Campus,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
Revenue Division Office,
at Tenkasi, Tirunelveli District.

4.The Tahsildar,
Taluk Office, Kadayanallur,
Tirunelveli District.

5.The Block Development Officer/Commissioner,
Panchayat Union Office, Vasudevanallur Union,
Vasudevanallur, Tirunelveli District.

6.The Panchayat President,
2nd Grade Village Panchayat Office,
Ramasamiyapuram Village & Post,
Kadayanallur Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 5 to consider the petitioner's representation dated 26.08.2015 to construct a common public pathway in Government Natham Poromboke Land bearing Survey No.463/9 locate at Muthusamiyapuram village, Ramasamiyapuram Panchayat, Kadayanallur Taluk, Tirunelveli District to join with already available public street, on the basis of the 6th respondent resolution No.66/2012/2013 dated 15.08.2012 for the purpose of making pathway and access to the petitioner's house bearing Door No.4/118C locate at Survey No.83/1A, constructed under CMSPGHS (Chief Minister's Solar Powered Green House Scheme).

For Petitioner

: Mr.M.Sathiamoorthy

For R1 to R5

: Mr.A.Thiyagarajan,

Government Advocate.

**ORDER**

This Writ Petition has been filed to direct the respondents to consider the petitioner's representation dated 26.08.2015, which was preferred to construct a common public pathway in Government Natham Poromboke Land bearing Survey No.463/9 locate at Muthusamiyapuram village, Ramasamyapuram Panchayat, Kadayanallur Taluk, Tirunelveli District.

2.The petitioner stated that she has constructed a house under Chief Minister's Solar Powered Green House Scheme. It is stated that the petitioner's house has solar power. It is the case of the petitioner that she constructed the said house in Survey No.83/1A, which is located adjacent to the School street in the village. However, the petitioner stated that there is no common pathway leading to the School street from the house of the petitioner and due to the same, the petitioner is using Government natham poramboke land in Survey No.463/9 as a common pathway and hence, the petitioner submitted a representation.

3.It is further stated that the sixth respondent village panchayat, after considering the requirement for common pathway to the petitioner and others, passed a resolution on 06.09.2012 requesting the Revenue Divisional Officer to make a common pathway for the people residing in south bank of public poramboke land. Since the resolution was unanimously approved by the Grama Sabha meeting held on 06.09.2012, the petitioner is now insisting the respondents to lay a road.

4.It is admitted by the petitioner that the common pathway is not demarcated so far. Though the petitioner stated that she constructed a house under the scheme, the petitioner has no right to have the common pathway in Government land, as a matter of right.

5.In such circumstances, this Court cannot entertains this writ petition to issue positive direction to the respondents. However, the respondent can be directed to consider the petitioner's representation, in case, a common pathway is required for the convenience of the public. In that view of the matter, the third respondent is directed to consider the representation of the petitioner and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.side)

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To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Project Director,
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Tirunelveli.

3.The Revenue Divisional Officer,
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4.The Tahsildar,
Taluk Office, Kadayanallur,
Tirunelveli District.

5.The Block Development Officer/Commissioner,
Panchayat Union Office, Vasudevanallur Union,
Vasudevanallur, Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-104559[F] dated 11/12/2019)

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SMA/03/01/2020/3P/7C