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Writ Petition (MD).No.23228 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.23228 of 2019

Malliga

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Tiruchendur,
Thoothukudi District.

3.The Executive Officer,
Alwarthirunagari Town Panchayat,
Alwarthirunagari, Thoothukudi District.

4.Deivanai

... 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 and 3 to consider the representation of the petitioner dated 23.07.2019 seeking to remove the encroachment made by the fourth respondent in the "Public Street" in Sy.No.376/10 at Chennalpatti, Murappanadu SRO, Palayamkottai Registration District, Thoothukudi District.

For Petitioner	: Mr.P.M.Vishnuvarthanan
For Respondents 1 and 2	: Mr.M.Murugan, GA
For 3 rd Respondent	: Mr.A.Thiyagarajan, GA

ORDER

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

Heard Mr.P.M.Vishnuvarthanan, learned counsel appearing for the petitioner, Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 and 2 and Mr.A.Thiyagarajan, learned Government Advocate appearing for the third respondent.

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



2.By consent of both parties, the writ petition is taken up for final disposal.

3.The writ petition has been filed seeking for a direction upon the respondents 1 and 3 to consider the representation of the petitioner dated 23.07.2019, to remove the encroachment made by the fourth respondent in the "Public Street" in Sy.No.376/10 at Chennalpatti, Murappanadu SRO, Palayamkottai Registration District, Thoothukudi District.

4.The learned Government Advocate appearing for the respondents 1 to 3, on instructions, from the Village Administrative Officer, who is present in the Court submitted that there is no such pathway as mentioned by the petitioner in the representation. Further more, it is submitted that the petitioner's case rests upon certain photographs and there is no revenue records to establish that there is a pathway in existence as claimed by the petitioner.

5.The Village Administrative Officer also has produced FMB sketch. On perusal of the same, we find that there is no such pathway to our knowledge nor which has been pointed out by the petitioner that there exists a pathway in the revenue records. Therefore, on the materials placed before this Court, we cannot issue Writ of Mandamus as sought for.

6.In the light of the above, the writ petition stands dismissed. However, if the petitioner is able to establish with revenue records that there was a pathway, then it is open to the petitioner to approach the authorities by way of a fresh representation. No Costs.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

Mrn

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Tiruchendur, Thoothukudi District.



3.The Executive Officer,
Alwarthirunagari Town Panchayat,
Alwarthirunagari, Thoothukudi District.

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+1CC TO MR.P.M.VISHNUVARTHANAN, Advocate Sr. No96161

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 96322

Writ Petition (MD).No.23228 of 2019

05.11.2019

SCR(CO)

TR(20.11.2019) 3P 6C