

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.11148 of 2020
and
W.M.P.No.13593 of 2020

1. M.Varadharajan
S/o Late Munirathinam,
3/52, Bajanai Koil Street,
Sembilivaram,
Ponneri Taluk,
Thiruvallur District.
2. Jayachandran,
S/o Manicka Naidu,
Sembilivaram,
Ponneri Taluk,
Thiruvallur District. Petitioners

Vs

- 1.The District Collector
Thiruvallur District,
C.V.Naidu Salai,
Thiruvallur kTown & Taluk,
Thiruvallur District.
- 2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thiruvallur Zone,
No.46, Vallalar Street,
Thiruvallur, PIN - 602 001.
- 3.The Deputy Manager,
Tamil Nadu Civil Supplies Corporation,
Sembilivaram Village,
Scholavaram Post,
Ponneri Taluk,
Chennai - 600 067. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying Writ of Mandamus, forbearing the respondents 1 to 3, their men, agents, servants, contractors, departmental persons and others authorised on their behalf from putting up any compound wall constructions and any other constructions upon the south eastern portion of the land in S.No.38/1-Part at Sembilivaram Village, so as to affect the right of way to

the petitioners to reach G.N.T. Road on the North from their lands on the South, respectively on S.Nos.44/1 and 44/3B at Sembilivaram Village in Ponneri Taluk, Thiruvallur District.

For Petitioners : Mr.R.Krishnaswamy

For Respondents : Mr.M.D.Ilayaraja
Government Advocate
for R1

Mr.P.Shanmugasundaram
for R2 & R3

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. This writ petition is filed seeking for mandamus forbearing the respondents 1 to 3, their men, agents, servants, contractors, departmental persons and others authorised on their behalf from putting up any compound wall constructions and any other constructions upon the south eastern portion of the land in S.No.38/1-Part at Sembilivaram Village, so as to affect the right of way to the petitioners to reach G.N.T. Road on the North from their lands on the South, respectively on S.Nos.44/1 and 44/3B at Sembilivaram Village in Ponneri Taluk, Thiruvallur District.

3. Heard the learned counsel appearing for the petitioners and the learned counsels appearing for the respondents.

4. The grievance of the petitioner is that the 3rd respondent is putting a compound wall around the land in Survey No.38/1 and thereby attempting to prevent the petitioners' right of way over the eastern portion of land in S.No.38/1 for their respective land in S.No.44/1 and 44/3B. In other words, the grievance of the petitioners is that by the action of the respondents in putting up the compound wall in their property, the petitioners' right of pathway is being denied.

5. In my considered view, the above said dispute is purely of civil nature and so it cannot be decided in this writ petition, as it is for the petitioners to approach the competent Civil Court and file appropriate suit seeking for appropriate relief. Instead the petitioners have chosen to file the present writ petition, which is not maintainable.

6. Therefore, this Writ petition is disposed of, without expressing any view on the merits of the contentions raised by

both parties and only by granting liberty to the petitioners to approach the competent Civil Court and seek appropriate relief. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vri/vsi

To

- 1.The District Collector
Thiruvallur District,
C.V.Naidu Salai,
Thiruvallur kTown & Taluk,
Thiruvallur District.
- 2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thiruvallur Zone,
No.46, Vallalar Street,
Thiruvallur, PIN - 602 001.
- 3.The Deputy Manager,
Tamil Nadu Civil Supplies Corporation,
Sembilivaram Village,
Scholavaram Post,
Ponneri Taluk,
Chennai - 600 067.

+1cc to Mr.R.Krishnaswamy, Advocate SR.32017
+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.32492
+1cc to the Government Pleader SR.32443

W.P.No.11148 of 2020

PVS (CO)
CB(16/10/2020)

WEB COPY