

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.18055 of 2020 &
WMP.No.22425 of 2020

G. Pushapanjali

...Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Dharmapuri District.
2.The Social Welfare Officer,
Dharmapuri District,
3.The Revenue Divisional Officer,
Arur Taluk,
Dharmapuri District.
4.The Tahsildar,
Pappireddypatti Taluk,
Dharmapuri District.
5.Mr.Jeevaraj

...Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the order of the 4th respondent's order in Na.Ka.No.2111/2018/P2, dated 11.09.2020 and to quash the same and consequently direct the 1st respondent to take necessary steps to arrange proper pathway in petitioner's Kukadapatti Village.

For Petitioner : Mrs.S. Sujatha

For Respondents: Mr.Manigopi, Govt. Advocate

O R D E R

This Writ Petition has been filed challenging the order passed by the 4th respondent in proceedings dated 11.09.2020 rejecting the request made by the petitioner seeking for a pathway in order to approach the property belonging to the petitioner.

2. A careful reading of the order passed by the 4th respondent shows that the pathway that was identified is a patta land which belongs to the 5th respondent and therefore the 4th respondent has rightly rejected the claim made by the petitioner. The 4th respondent has infact given cogent reasons as to why the claim made by the petitioner cannot be considered

and a pathway cannot be given in a patta land belonging to the 5th respondent.

3. The learned counsel for the petitioner submitted that the petitioner is not insisting for a pathway through the land belonging to the 5th respondent. The learned counsel further submitted that the petitioner in her representation has made it clear that any other pathway over which there is no dispute or ownership can be considered by the respondents and an access can be given to the property belonging to the petitioner.

4. Mr.Manigopi, learned Govt. Advocate appearing for the respondents 1 to 4 submitted that the 4th respondent has called the petitioner for an enquiry on 24.12.2020 at 4 pm and the petitioner can attend the enquiry and submit her claim.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the 4th respondent has already called the petitioner for an enquiry, there shall be a direction to 4th respondent to consider the claim made by the petitioner and see if any other undisputed alternative pathway can be identified in order to enable easy access to the property belonging to the petitioner and the nearby residents. This exercise shall be completed by the 4th respondent within a period of six weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

msr
To

Sub Assistant Registrar

1. The District Collector,
Office of the Collectorate,
Dharmapuri District.

2. The Social Welfare Officer,
Dharmapuri District.

3. The Revenue Divisional Officer,
Arur Taluk,
Dharmapuri District.

4.The Tahsildar,
Pappireddypatti Taluk, Dharmapuri District.

+lcc to M/s.S.Sujatha, Advocate, S.R.No.40760
+lcc to the Government Pleader, S.R.No.40742

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ssi/kk(CO)
rv(21/01/2021)



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