



WEB COPY

W.P.(MD).No.18102 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.18102 of 2020

V.Muthupandi

.. Petitioner

Vs

1. The District Collector,
Theni District, Theni.

2. The Commissioner,
Panchayat Union,
Vadugapatti, Periyakulam,
Theni District.

3. The Joint Director of Medical Services,
Department of Health,
Periyakulam (Incharge),
Theni District.

4. The Panchayat President,
Muthalakkampatty Panchayat,
Vaigaiputhur, Theni District.

5. V.Palpandi

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made on the public pathway by the 5th respondent which is comprising in Survey No.23274/5E constituting to the extent of 14 feet situated at Periyakulam Main Road to V.M.Nagar, Muthalakkampatti Panchayat, Melmangalam Village-II Bit, Periyakulam Taluk, Theni District and consequently direct the respondents 1 to 4 to take action against the fifth respondent for the encroachment within the time frame as fixed by this Court.

For Petitioner

: Mr.L.Prabhu

For respondents

: Mr.A.K.Manickam,
Standing Counsel for
Government
for R1to R4
Mr.S.Sundarapandian for R5



ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.L.Prabhu, learned counsel appearing for the petitioner; Mr.A.K.Manickam, learned Government Counsel appearing for the respondents 1 to 4 and Mr.S.Sundarapandian, learned counsel appearing for the fifth respondent.

2. The petitioner, a former President of the Panchayat is trying to agitate a personal dispute between himself and his brother-fifth respondent, alleging that a pathway is a public road and his brother is an encroacher.

3. The learned Government Counsel appearing for the official respondents submitted that it is a private pathway and it is a private dispute between the petitioner and the fifth respondent. If according to the petitioner he has documents to show that it is a public pathway, then he has to approach the higher Authority, namely, the first respondent-District Collector or otherwise, the petitioner has to work out his remedy before the competent civil Court.

4. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The District Collector,
Theni District, Theni.



2. The Commissioner,
Panchayat Union,
Vadugapatti, Periyakulam,
Theni District.

3. The Joint Director of Medical Services,
Department of Health,
Periyakulam (Incharge),
Theni District.

4. The Panchayat President,
Muthalakkampatty Panchayat,
Vaigaiputhur, Theni District.

+1 CC to M/s.L.PARABHU, Advocate (SR-21072[F] dated 02/07/2021)

+1 CC to M/s.SPL GP (SR-21350[F] dated 06/07/2021)

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