



W.P.(MD) No.1267 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.1267 of 2020
and W.M.P.(MD)No.14967 of 2020

M.R.Gurumoorthi

... Petitioner

Vs.

1.The District Collector,
Collectorate Building,
Tuticorin.

2.The Block Development Officer,
Block Development Office,
Pudur, Tuticorin District.

3.The Thasildar,
Taluk Office, Vilathikulam,
Tuticorin District.

4.Rajammal
5.Thuruvammal
6.Selvaraj

... Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the respondent Nos.4 to 6 in a public pathway in Survey No.258/3, situated at North Muthaiahpuram Village, Vilathikulam Taluk, Tuticorin District.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Govt. Pleader for R1 to R3
No Appearance for R4 to R6

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the respondent Nos.4 to 6 in a public pathway in Survey No.258/3, situated at North Muthaiahpuram Village, Vilathikulam Taluk, Tuticorin District.

2. The respondents 2 and 3 have filed separate counter affidavits. The learned Additional Government Pleader appearing for the respondents 1 to 3

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relying upon the averments made in the counter affidavit, submitted that there is no encroachment in the place in question as alleged by the petitioner. Since the dispute relates only to the private pathway between the petitioner and the private respondents in their patta lands, the Tahsildar Vilathikulam, vide proceedings in Ref.A6/7925/2019 dated 05.11.2019 informed the petitioner to approach the competent Civil Court to work out his remedy.

3. The aforesaid submission of the learned Additional Government Pleader is not refuted by the learned counsel for the petitioner. Thus, recording the said submission, this Writ Petition is closed granting liberty to the petitioner to work out his remedy before the competent Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]

vsm

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R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

vsm

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