



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

CORAM :

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P(MD)No.833 of 2022

P.Subramani

... Petitioner

vs.

- 1) The District Collector,
Madurai District,
Madurai-20.
- 2) The Revenue Divisional Officer,
Melur Revenue Division,
Vellaripatti,
Madurai District.
- 3) The Tahsildar,
Madurai East,
Madurai District.
- 4) Poppanamalai
- 5) Murugesan
- 6) Arumugam

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to issue necessary direction to the 3rd Respondent herein to remove the encroachment committed by the Respondent Nos.4 to 6, by putting up the Wall in the middle of the common pathway having 6 feet breadth, bearing Survey Nos.156/10, 156/19 situated at Chidhambarampatti Village, Madurai East Taluk, Madurai District, based on the petitioner's representation dated 26.08.2021 made to the Respondent Nos.1 and 3.

For Petitioner : Mr.K.Kannan

For R1 to R3 : Mr.M.Siddharthan
Additional Government Pleader



ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The writ petition is filed by the petitioner for a Mandamus, directing the 1st respondent to issue necessary direction to the 3rd respondent to remove the encroachment made by the respondents 4 to 6, by putting up the Wall in the middle of the common pathway in Survey Nos.156/10, 156/19 in Chidhambarampatti Village, Madurai East Taluk, Madurai District.

2. Though the learned counsel contended that it is a common pathway and has been used by the people of the village for the past 50 years, he has not produced any document in support of his case. A document that has been produced and styled as Adangal is not decipherable either by the counsel himself or by the court. The allegation that the respondents 4 to 6 have encroached the common pathway by putting up the wall in the middle of the pathway, is a matter of evidence. Even in the FMB, it is not been earmarked as a common pathway. Even according to the affidavit, the respondents 4 to 6 have claimed that the pathway is on their own land.

3. As the petitioner is unable to establish the common pathway by filing appropriate document, we do not propose to entertain the writ petition as public interest. If at all the petitioner is aggrieved, it is open to him to move the Civil Court, file all documents in support of his case and establish his right.

4. In such a view of the matter, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1) The District Collector,
Madurai District,
Madurai-20.

2) The Revenue Divisional Officer,
Melur Revenue Division,
Vellaripatti, Madurai District.



3) The Tahsildar,
Madurai East,
Madurai District.

+1 CC to M/s.SPL.GP (SR-2014[F] dated 21/01/2022)

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RK(01/02/2022) 3P 5C