



WEB COPY

W.P(MD)No. 5271 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No. 5271 of 2021

R.Muthupandian

.. Petitioner

Vs

1.The District Collector,
Office of the District Collector Campus,
Dindigul District.

2.The Tahsildar,
Authoor Taluk, Dindigul District.

3.The Block Development Officer,
Authoor Panchayat Union,
Sempatti, Dindigul District.

4.The President,
Munaloor Village Panchayat,
Authoor Taluk, Dindigul District.

5.Soundararajan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 to 4 herein to remove the encroachments made in the public pathway (Horse Path) namely comprised in Survey Nos. 86/2,86/1, 90/1,90/2, 91,92/2, 93 situated at Perumparai Village, Manaloor Panchayat, Authoor Taluk, Dindigul District by the 5th respondent herein and restore the access to the public and farmers of Perumparai Village by considering the petitioner's representation dated 28.01.2021 within the time stipulated by this Court.

For Petitioner

: Mr.J.Lawrance

For Respondents

: Mr.J.Ashok

Additional Government Pleader
for R1 to R3

Mr.S.Srinivasa Raghavan for R5

No appearance for R4



ORDER

[Made by R.VIJAYAKUMAR, J.]

1. The present writ petition has been filed for a Writ of Mandamus, seeking a direction to respondents 1 to 4 herein to remove the encroachments made in the public pathway (Horse Path) namely comprised in Survey Nos. 86/2, 86/1, 90/1, 90/2, 91, 92/2, 93 situated at Perumparai Village, Manaloor Panchayat, Authoor Taluk, Dindigul District by the 5th respondent herein.

2. According to the revenue records and the counter filed by the statutory authorities the Survey Numbers mentioned in the writ petition are private patta lands.

3. Hence, this Court may not have any jurisdiction to entertain the writ petition for removal of encroachment over an alleged path way in private patta land. In case if the writ petitioner feels that he has got any right of pathway over the private patta lands, it is for him to move the appropriate forum for appropriate remedy.

4. The Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

To

1.The District Collector,
Office of the District Collector Campus,
Dindigul District.

2.The Tahsildar,
Authoor Taluk, Dindigul District.

3.The Block Development Officer,
Authoor Panchayat Union,
Sempatti, Dindigul District.

+1 CC to M/s.J. LAWRANCE, Advocate (SR-16481[F] dated 05/04/2022)

+1 CC to M/s.SPL.GP (SR-16706[F] dated 05/04/2022)

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