



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 22.03.2022**

**CORAM**

**THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**

**W.P. (MD) .No.4798 of 2022**

**and**

**W.M.P. (MD) .No.3980 of 2022**

**WEB COPY**

S.Muthaiah

... Petitioner

**Vs.**

1.The District Collector,  
Tirunelveli District.

2.The District Adi Dravidar and Tribal Welfare Officer,  
Tirunelveli,  
Tirunelveli District.

3.The Special Tahsildar,  
(Adi-Dravidar Welfare),  
Nanguneri,  
Tirunelveli District.

4.The Land Surveyor,  
Nanguneri,  
Tirunelveli District.

5.Jaya

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from in any manner preventing free access of the petitioner to his property in S.No.973 through East-West 15 feet width pathway situated in S.No.1004/2 at North Valliyur Bit-I, Kottaiyadi, Tirunelveli District by considering the petitioner's representation dated 12.02.2022.

|                |   |                                          |
|----------------|---|------------------------------------------|
| For Petitioner | : | Mr.S.Pandiyaraj                          |
| For R-1 to R-4 | : | Mr.T.Amjad Khan,<br>Government Advocate. |

**ORDER**

This Writ Petition has been filed for a Mandamus to forbear the respondents from in any manner preventing free access of the petitioner to his property situated in Survey No.973 measuring through East-West 15 feet width pathway situated in Survey No.1004/2 at North Valliyur Bit-I, Kottaiyadi, Tirunelveli District by considering the petitioner's representation dated 12.02.2022.

2. According to the petitioner, he is the owner of the property comprised in Survey No.973 referred to supra and there is a pathway



in Survey No.973 as well as in Survey No.1004/2. According to him, the pathway to his property is attempted to be blocked by the fifth respondent. In such circumstances, he has given a representation on 12.02.2022. Since the said representation has not been considered till date, he has filed this Writ Petition.

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3. Heard Mr.S.Pandiyaraj, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 4.

4. On instructions, Mr.T.Amjad Khan, learned Government Advocate would submit that proceedings have already been initiated pursuant to the representation, dated 12.02.2022, given by the petitioner. The same is recorded.

5. No prejudice would be caused to the respondents, if the petitioner's representation to forbear the respondents from in any manner preventing free access of the petitioner to his property situated in Survey No.973 referred to supra, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the fifth respondent.

6. Accordingly, this Court directs the first and third respondents to consider the petitioner's representation dated 12.02.2022 seeking to forbear the respondents from in any manner preventing free access of the petitioner to his property situated in Survey No.973 measuring through East-West 15 feet width pathway situated in Survey No.1004/2 at North Valliyur Bit-I, Kottaiyadi, Tirunelveli District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the fifth respondent and any other necessary party, whom the first and third respondents deem fit to enquire, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-I)

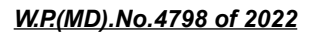
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/ /2022

Sub Assistant Registrar(CS)

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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



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