



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD)No.6097 of 2020

and

W.M.P. (MD)No.5286 of 2020

A.Alphonse ...Petitioner

/Vs./

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Ambasamudhram Taluk,
Tirunelveli District.

3.The Block Development Officer,
Ambasamudhram Panchayat Union,
Tirunelveli District.

4.The Inspector of Police,
Vikramasingapuram Police Station,
Tirunelveli District.

5.Tamilselvi

6.Mariyapandi

7.Vijay

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, to direct the respondents 1 to 4 to dispose of the petitioner's representation dated 09.03.2020 under Section 133 of Criminal Procedure Code and consequently, restrain the respondents 5 to 7 from interfering with the petitioner's and others in using and developing the existing pathway situated in between Survey Nos.285/24 and 285/25 of Sivanthipuram Village, Ambasamudhram Taluk, Tirunelveli District.

For Petitioner : Mr.B.Brijesh Kishore

For R1 to R4 : Mr.T.Senthil Kumar

Additional Public Prosecutor

For R5 and R7 : No Appearance

For R6 : Mr.P.P.AlwinBalan

ORDER

The Writ Petition has been filed to direct the respondents 1 to 4 to dispose of the petitioner's representation dated 09.03.2020



under Section 133 of Cr.P.C., and consequently, restrain the respondents 5 to 7 from interfering with the existing pathway situated between Survey Nos.285/24 and 285/25 of Sivanthipuram Village, Ambasamudhiram Taluk, Tirunelveli District.

2.From the affidavit filed in support of this Writ Petition as well as from the submissions made by the learned counsel for the petitioner, it is seen that the main grievance of the petitioner appears to be with regard to the right of the pathway. According to the petitioner, the pathway is public pathway, whereas in his own documents under RTI Act annexed in the typed set of papers, it is stated that there is no material to show that it is public pathway. If at all the public pathway is obstructed and his right has been infringed, it is well open to the petitioner to establish the same before the Civil Court. Therefore, this Court is of the considered view that the Court in a Writ Petition cannot direct the authorities to decide the title.

3.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

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,
Tirunelveli District,
Tirunelveli.
- 2.The Tahsildar,
Ambasamudhiram Taluk,
Tirunelveli District.
- 3.The Block Development Officer,
Ambasamudhiram Panchayat Union,
Tirunelveli District.



4.The Inspector of Police,
Vikramasingapuram Police Station,
Tirunelveli District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.P.ALWIN BALAN, Advocate (SR-9918[F] dated 03/03/2022
)

W.P. (MD)No.6097 of 2020
01.03.2022

SS (CO)
KB(08.03.2022) 3P 7C