



W.P.(MD)No.14496 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.14496 of 2022

M.Rajeswari

... Petitioner

Vs.

1.The District Collector,
Virudhunagar Collector Office,
Virudhunagar District.

2.The Revenue Divisional Officer,
R.D.O.Office, Aruppukottai Division,
Aruppukottai, Virudhunagar District.

3.The Tahsildar,
Office of the Taluk Office,
Aruppukottai Taluk, Virudhunagar District.

4.The Surveyor,
Office of the Taluk Office,
Aruppukottai Taluk, Virudhunagar District.

5.Muthuraj

6.Veluchamy

7.Gurunathan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the 1st to 4th respondents herein to take appropriate action for the removal of the encroachments on the pathway in Survey No.124/6E28, Chinnachetty Street, Pandalgudi, Aruppukottai Taluk, Virudhunagar District by considering the petitioner's representation, dated 08.04.2022.



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For Petitioner :Mr.A.Jeyaram
For R1 to R3 :Mr.J.Ashok
Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to take appropriate action for removal of encroachments on the pathway in Survey No.124/6E28, Chinnachetty Street, Pandalgudi, Aruppukottai Taluk, Virudhunagar District by considering the petitioner's representation, dated 08.04.2022.

2.Heard Mr.A.Jeyaram, learned Counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader, who takes notice on behalf of respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner appears to have purchased a plot in a layout formed by the sixth respondent. As per the lay out, it appears that a 15 feet pathway was shown as a road abutting the petitioner's plot. Alleging that the 7th respondent, who has also purchased a plot along with the petitioner, has encroached the pathway by laying stones in the pathway,



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the above Writ Petition is filed.

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4.This Court is unable to find any merit in this Writ Petition, having regard to the nature of prayer sought for in this Writ Petition. On the basis of a sale deed obtained from the sixth respondent, the petitioner seeks to establish her right as against the sixth and seventh respondents. It is not the case of the petitioner that the layout was approved. The plan produced by the petitioner gives an indication that it is a self serving plan and it is not even in the sale deed under which the petitioner has purchased the property.

5.The petitioner traces her right of easement by grant in respect of a 15' road as against the private respondents through this Writ Petition. However, the proper remedy for the petitioner is to approach the Civil Court and not before this Court. Unless the property is a public pathway or vest with Government or local body, it is not for the official respondents to initiate any action for removal of encroachment. In such circumstances, this Court is not inclined to entertain this Writ Petition. Hence, this Writ Petition is dismissed. No costs.

[S.S.R., J.] [S.S.Y., J.]
07.07.2022

Index : Yes / No
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