



**W.P.(MD) No.21908 of 2015**

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

**DATED : 28.09.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

**and**

**THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.21908 of 2015**

S.Prem Ananth

... Petitioner

**Vs.**

- 1.The Secretary,  
State of Tamil Nadu,  
Revenue Department,  
Secretariat, Fort. St. George,  
Chennai.
- 2.The District Collector,  
Office of the District Collector,  
Madurai District.
- 3.The District Revenue Officer,  
Office of the District Revenue Officer,  
Madurai District.



**W.P.(MD) No.21908 of 2015**

WEB COURT

4.The Tahsildar,  
Office of the Tahsildar,  
Usilampatti Taluk,  
Usilampatti, Madurai District.

5.Thiru Karuppaiya

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent Nos.2 to 4 to take necessary action to remove the encroachment made by the Respondent No.5 on the public pathway at Rathinasamy Thevar Street in Usilampatti.

For Petitioners : Mr.S.Malaikani

For Respondents : Mr.S.P.Maharajan,  
Spl. Govt. Pleader for R1 to R4  
Mr.J.Barathan for R5

### **ORDER**

**[Order of the Court was made by R.MAHADEVAN, J.]**

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent Nos.2 to 4 to take necessary action to remove the



**W.P.(MD) No.21908 of 2015**

encroachment made by the respondent No.5 on the public pathway at Rathinasamy Thevar Street in Usilampatti.

2. It is the case of the petitioner that the fifth respondent has made an encroachment on the public pathway at Rathinasamy Thevar Street in Usilampatti. In this regard, the petitioner made a representation on 26.11.2015 to the respondents 1 to 4. However, no action was taken by the respondents. Hence, the petitioner has filed this Writ Petition.

3. The learned Special Government Pleader appearing for respondents 1 to 4 submitted that with regard to the subject pathway, a civil suit in O.S.No.252 of 2015 on the file of District Munsif cum Judicial Magistrate, Usilampatti is pending between the parties.

4. It is the specific case of the learned counsel appearing for the fifth respondent that the suit is related to the classification of pathway as a public pathway or a private property.



**W.P.(MD) No.21908 of 2015**

**WEB COPY** 5. In view of the above, this Writ Petition is disposed of leaving it open to the respective parties to agitate their respective rights in the pending suit before the Civil Court. No costs.

**[R.M.D., J.]      [J.S.N.P., J.]**

vsm

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