



W.P.(MD)No.25800 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.25800 of 2022

SM.Sebastinmary

... Petitioner

Vs

- 1.The District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Superintendent of Police,
Virudhunagar,
Collectorate Campus, Virudhunagar,
Virudhunagar District.
- 3.The Assistant Director,
Department of Survey, Virudhunagar,
Virudhunagar District.
- 4.The Sub-Collector,
Sivakasi Sub-Division,
Sivakasi Taluk,
Virudhunagar District.
- 5.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.
- 6.The Deputy Superintendent of Police,
Sivakasi Sub-Division,
Sivakasi Taluk,
Virudhunagar District.



W.P.(MD)No.25800 of 2022

7.The Inspector of Police,
Thiruthangal Police Station,
Sivakasi Taluk,
Virudhunagar District.

8.The Head Surveyor,
Office of the Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to fix the boundaries of 20 feet common pathway, which is situated in S.Nos.218/1 and 218/1A at Vadapatti Village, Poovanathapuram Post, Sivakasi Taluk, Virudhunagar District, by considering the petitioner's representation towards the respondents, dated 03.10.2022.

For Petitioner : Mr.S.M.Ramasiva

For Respondents 1, 3 to 5 & 8 : Mr.C.Satheesh
Government Advocate

For Respondents 2, 6 & 7 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, to fix the boundaries of 20 feet common pathway, which is situated in S.Nos.218/1 and 218/1A at Vadapatti Village, Poovanathapuram Post, Sivakasi Taluk, Virudhunagar District, by considering her representation towards the respondents, dated 03.10.2022.



W.P.(MD)No.25800 of 2022

2. According to the learned counsel for the petitioner, one Seeniammal, W/o.Ayyadurai and one Parvathi, W/o.Antony, had converted their agricultural lands, measuring an extent of 1 Acre and 83 Cents into Plots and the said land is situated in S.Nos.218/1 and 218/1A. There is a 20 feet common pathway in S.Nos.218/1 and 218/1A, situated at Vadapatti Village, Poovanathapuram Post, Sivakasi Taluk, Virudhunagar District, which starts from the Main Road of Vadapatti Village and ends towards the petitioner's agricultural land. The concerned jurisdictional Panchayat had constructed the road only for 80 meters and the remaining 100 meters is of mud road of the above said road.

3. Further, according to the learned counsel for the petitioner, the said Parvathi's husband and her son Thangaraj had illegally encroached the said 20 feet common pathway, which is of mud road and claiming that the same belong to them and refused the petitioner to use the said common pathway. Therefore, the petitioner sent a representation dated 03.10.2022, to the respondents. Since the same has not been considered so far, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4. Heard the learned Government Advocate appearing for the respondents 1, 3 to 5 and 8 and the learned Government Advocate (Criminal side) appearing for the respondents 2, 6 and 7.



W.P.(MD)No.25800 of 2022

5. Considering the aforesaid facts and circumstances of the case, if there are encroachments made in the common pathway as alleged by the petitioner, the authorities concerned are directed to remove the same and restore the pathway and if anybody prevents to use the said common pathway, claiming right over the same as private pathway, they can consider the same and pass appropriate orders.

6. This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
smn2
To

30.11.2022

- 1.The District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Superintendent of Police,
Virudhunagar,
Collectorate Campus, Virudhunagar,
Virudhunagar District.
- 3.The Assistant Director,
Department of Survey, Virudhunagar,
Virudhunagar District.
- 4.The Sub-Collector,
Sivakasi Sub-Division,
Sivakasi Taluk,
Virudhunagar District.



W.P.(MD)No.25800 of 2022

5. The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

6. The Deputy Superintendent of Police,
Sivakasi Sub-Division,
Sivakasi Taluk,
Virudhunagar District.

7. The Inspector of Police,
Thiruthangal Police Station,
Sivakasi Taluk,
Virudhunagar District.

8. The Head Surveyor,
Office of the Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

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



WEB COPY



W.P.(MD)No.25800 of 2022

V.BHAVANI SUBBAROYAN, J.

smn2

W.P(MD)No.25800 of 2022

30.11.2022