



W.P.No.9287 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.9287 of 2018

Kandasamy

.. Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Principal Secretary
Department of Adi Dravidar Welfare
Fort St.George, Chennai – 9.
2. The District Collector
Collectorate, Thanjavur Road
Thiruvarur District – 610 001.
3. The Tahsildar (ADW)
Taluk Office, Thiruthuraipoondi (TK)
Thiruvarur District – 614 715.
4. St. Anthony's Matriculation Higher
Secondary School
Rep. by its Correspondent
Thiruthuraipoondi & Taluk
Thiruvarur District – 614 715.



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5. Communist Party of India (CPI)
Rep. by its Town Secretary
Sengamala Street
Thiruthuraipoondi & Taluk
Thiruvarur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents No.1 to 3 to take immediate and necessary action against the 4th & 5th respondents in order to protect the Scheduled Caste people and their house sites in S.No.133/1A, Arasaladi Street, Thiruthuraipoondi Taluk, Thiruvarur District.

For the Petitioner : Mr.P.Vijendran

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader
for R1 to R3

Mr.V.Rudrapathi
for R4

No appearance for R5



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ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.P.Vijendran, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1 to 3 and Mr.V.Rudrapathi, learned counsel for respondent 4.

2. According to learned counsel for the petitioner, the road in question is obstructed by the fourth respondent. The road is not a private property of the fourth respondent.

3. Counter is filed by the second respondent. Learned State Government Pleader submits that the road in question is a common pathway made for the use and enjoyment of all persons, including the petitioner and the fourth respondent. The road is maintained by the Municipality, by erecting street lights and laying roads. As it is a road maintained by the Municipality, the same is open for the use and enjoyment of everyone.

4. In view of the said submissions, the apprehension of the



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petitioner is redressed. The writ petition, as such, stands disposed of.

There will be no order as to costs. Consequently, W.M.P.Nos.11098 & 11099 of 2018 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

03.08.2023

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(drm)

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