



W.P.No.7712 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7712 of 2020

P.Sakkarai

.. Petitioner

Vs

1. The Secretary,
Revenue Department
Government of Tamil Nadu
Secretariat Fort St.George
Chennai-600 009

2. The Secretary
Labour Department
Gover of Tamil Nadu
Secretariat Fort St.George
Chennai-600 009

3. The District collector
o/o the District Collector
Kesavalu Nagar, V.O.C. Nagar
Kallakurichi- 606202

4. The Regional Joint Director of Training - Villupuram
No 58/234, Old Chennai Road, Near Katpadi Railway Gate
Villupuram- 605 605



W.P.No.7712 of 2020

WEB COPY

5. The Principal
Government Industrial Training Institute
Puttai Road, Sankarapuram taluk
Kallakurichi- 606 401

6. The Sub collector
o/o the Sub Collector
Kallakurichi- 606202

7. The Tahsildar
O/o the Thasildar
Sankarapuram Taluk
Kallakurichi- 606 401

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents 4 and 5 from any manner encroaching the pattai land in survey No 105/2C classified as pattai (land used as passage) in the revenue records of the Alagapuram Alias Sankarapuram village, Kallakurichi Taluk and to direct the respondents 3, 6 and 7 to recover the Pattai land in Survey No. 105/2C, Sankarapuram village, Kallakurichi from the respondents 4 and 5 and ensure the said land is used for passage purpose alone.

For the Petitioner	: Mr.R.Gopinath for M/s.McGAN Law Firm
For the Respondents	: Mrs.R.Anitha Spl. Government Pleader



W.P.No.7712 of 2020

ORDER

WEB COPY (Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.R.Gopinath for M/s.McGAN Law Firm, learned counsel for the petitioner, and Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. The dispute is with regard to obstruction to the pathway in Survey No.105/2C.

3. Learned counsel for the petitioner submits that Survey No.105/2C is a pathway. The revenue record also depicts the same. The land was allotted to ITI, however, the pathway is closed by erecting the compound wall. It is only after the orders were passed in the contempt petition, the compound wall was removed. Even the Advocate-Commissioner's report substantiates the contention of the petitioner.

4. Learned Special Government Pleader submits that even after erection of the compound wall, about 37.8 metres width of the



W.P.No.7712 of 2020

land would remain for the road and the same would never be obstructed.

5. The Court would be more concerned with free access to the pathway. Sufficient pathway should exist for the residents of the locality to have access. Today the compound wall is removed. There is no obstruction to the pathway. The respondent authorities shall not obstruct the pathway in a manner that would not be of beneficial use to the residents of the locality.

6. With these observations, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.9070 and 20249 of 2020 are closed. WMP No.2177 of 2021 filed to delete the name of the second respondent in the cause-title also stands closed.

(S.V.G., CJ.)

(D.B.C., J.)

12.10.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr



WEB COPY



W.P.No.7712 of 2020



W.P.No.7712 of 2020

To

WEB COPY

1. The Secretary,
Revenue Department
Government of Tamil Nadu
Secretariat Fort St.George
Chennai-600 009
2. The Secretary
Labour Department
Gover of Tamil Nadu
Secretariat Fort St.George
Chennai-600 009
3. The District collector
o/o the District Collector
Kesavalu Nagar, V.O.C. Nagar
Kallakurichi- 606202
4. The Regional Joint Director of Training - Villupuram
No 58/234, Old Chennai Road, Near Katpadi Railway Gate
Villupuram- 605 605
5. The Principal
Government Industrial Training Institute
Puttai Road, Sankarapuram taluk
Kallakurichi- 606 401
6. The Sub collector
o/o the Sub Collector
Kallakurichi- 606202
7. The Tahsildar
O/o the Thasildar
Sankarapuram Taluk
Kallakurichi- 606 401



WEB COPY



W.P.No.7712 of 2020

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

bbr

W.P.No.7712 of 2020

12.10.2023