



WEB COPY



WP No.22441 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM :

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

AND

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

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N.Saravana Prakash

: Petitioner

versus

1.The District Collector,
Collectorate,
GST Road, Chengalpattu

2.The Tahsildar,
Pallavaram, Chengalpattu

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in relation to the order in 15.02.2020 (Na.Ka.1682/ 2018) respondent and quash the same and further issue a direction directing 2nd respondent to remove the wall within the time limit.

For the Petitioner

: Mr.S.Saravanan

For the Respondents :

Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader



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ORDER

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(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.S.Saravanan, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, for the respondents.

2. Learned counsel for the petitioner submits that the people belonging to Ambedkar Mandram raised a compound wall overnight by encroaching the common passage used by the petitioner, since the purchase of the property for nearly 40 years. The previous owners were also enjoying the same. Representation was given to remove the compound wall, but the Tahsildar did not accept the same.

3. It appears to be a private dispute. If the petitioner claims a right of way as an easementary right, he will have to seek a declaration. If the right exists, the petitioner will have to prove the same with reference to the revenue record or otherwise. We do not find any such record in the present writ petition.



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4. The petitioner may enforce the right, if the petitioner possesses with regard to the way, before the competent civil court or such other forum as may be permissible under law. In that event, all contentions are kept open.

5. The writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

31.07.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To:

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

(tar)

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