



W.P.No.10828 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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K.Aathimoolam

.. Petitioner

Vs

1.The District Collector,
Kallakurichi District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kallakurichi-606 213,
Kallakurichi District.

3.The Thasildar,
Thasildar Office,
Chinna Salem,
Kallakurichi District – 606 201.

4.The Block Development Officer,
Chinnasalem,
Kallakurichi District.

5.The Executive Officer,
Vadakananthan Village,
Kallakurichi District-606 207.

6.Ramasamy

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 5 to take appropriate action to remove the encroachment caused over the public pathway existing in Survey No.336/2 of Vadakananthal Post, Chinna Salem Taluk, Kallakurichi District-606 207.

For the Petitioner : Mr.M.Karthikeyan

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondents 1,2,3 & 5

: Mr.P.Muthukumar
State Government Pleader
for respondent No.4

ORDER

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

K.Aathimoolam, son of Krishnan, a resident of Chinna Salem Taluk, Kallakurichi District, has filed this writ petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 5 to take appropriate action to remove the encroachment caused over the public pathway



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existing in Survey No.336/2 of Vadakananthal Post, Chinna Salem Taluk, Kallakurichi District-606 207.

2. Mr.M.Karthikeyan, learned counsel for the petitioner, submitted that the public pathway running in the land comprised in S.No.336/2 situate at Vadakananthal Post, Chinna Salem Taluk, Kallakurichi District, has been encroached by the sixth respondent, and in view of such encroachment, the petitioner and the villagers are unable to have ingress and egress to their properties. Ventilating his grievance, the petitioner sent a representation to the respondent authorities on 1.3.2023. As the said representation did not evoke any response, the petitioner has been advised to file this writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of the fourth respondent, would submit that even as per the copy of the 'A' Register enclosed by the petitioner, the land in S.No.336/2 is classified as "Tharisu" and, therefore, the allegation of the petitioner that the land in question is a public



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pathway is unsubstantiated. He, accordingly, prayed for dismissal of the writ petition.

4. A perusal of the copy of the 'A' Register shows that the land in question comprised in S.No.336/2 situate at Vadakananthal Post, Chinna Salem Taluk, Kallakurichi District is classified as "Tharisu". No shred of material has been produced by the petitioner to show that the land in question is a public pathway. Therefore, we do not find any merit in the writ petition.

For the foregoing reasons, the writ petition is dismissed.
There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
11.04.2023

Index : No
Neutral Citation : No
sasi



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To:

WEB COPY

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(sasi)

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