



W.P.No.30536 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30536 of 2023

M.Selvaraj

.. Petitioner

Vs.

1. The District Collector
Salem.

2. Sub Collector
Salem.

3. The Tahsildar
Mettur Taluk
Salem District.

4. The Village Administrative Officer
Mettur Taluk, Soorapalli Village
Salem District.

5. Raja

6. Madumitta

7. Loganathan

.. Respondents



W.P.No.30536 of 2023

WEB COPY

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the first respondent to consider the petitioner representation dated 12.01.2023.

For the Petitioner : Mr.V.V.Sairam

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for Respondents 1 to 4

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.V.V.Sairam, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 to 4.

2. On the last date, we adjourned the matter at the request of learned counsel for the petitioner to demonstrate from the record the existence of pathway.

3. Today, no such documents are placed on record.



W.P.No.30536 of 2023

WEB COPY

4. Learned Special Government Pleader, on the instructions of Tahsildar, submits that the lands in question are patta lands and owned by private persons.

5. Learned counsel for the petitioner submits that the petitioner and other villagers are using the said lands as pathway since many years.

6. As no pathway exists as per the records and the lands are private lands, the relief claimed by the petitioner cannot be granted. In case the petitioner claims easementary rights, it is for the petitioner to seek declaration from the civil Court.

7. With the aforesaid observation, the writ petition is dismissed with costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
kpl



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

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