



WP No.23412 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2023

CORAM

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

AND

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

WP No.23412 of 2023

M.Mathesh

... Petitioner

-VS-

1. The District Collector,
Salem District, Salem.
2. The Tahsildar,
Mettur Taluk, Salem District.
3. The Block Development Officer,
Kolathur, Mettur Taluk,
Salem District.
4. Anthony Samy
5. Kumar

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the representation of the petitioner dated 28.02.2023 and consequently remove the encroachments and construction by the 4th and 5th respondents in pathway at Mayanam Street in Ward No.2, P.N.Patti Town Panchayat.

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For the Petitioner : Mr.S.P.Yuaraj
For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader,
for RR 1 to 3.

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.P.Yuvaraj, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader, for respondent Nos.1 to 3.

2. The learned counsel for the petitioner submits that a pathway exists to reach the burial ground in S.No.941/19. Respondent Nos. 4 and 5 have illegally made construction on the said pathway.

3. According to the learned State Government Pleader, the petitioner constructed a terraced building in S.No.941/19 classified as 'Unassessed Waste Dry Tharisu'. In the northern side of the terraced



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building, the 4th and 5th respondents constructed a compound wall within the distance of three feet. There is an alternate thar road available for reaching the burial ground.

4. We do not find from the record the documents showing the existence of pathway in a particular direction nor we find the documents of title placed on record.

5. Be that as it may, as it is not clear from the documents on record about the existence of pathway or otherwise, no further orders can be passed in the writ petition. If the pathway exists as per the record, then the petitioner may approach the authorities for the said purpose.

The writ petition is, accordingly, disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

10.08.2023

Index : Yes/No
Neutral Citation : Yes/No
sra



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

(sra)

To

1. The District Collector,
Salem District, Salem.
2. The Tahsildar,
Mettur Taluk, Salem District.
3. The Block Development Officer,
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