



WP No.26823 of 2023

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

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P.Mani

.. Petitioner

-VS-

1. The District Collector,
Namakkal, Namakkal District 637408.
2. The Tahsildar,
Rasipuram Taluk,
Namakkal District 637408.
3. The Village Administrative Officer,
R.Puthupalayam Village, Rasipuram Taluk,
Namakkal District 637408.
4. The Panchayat President,
Village Panchayat,
R.Puthupalayam Village, Rasipuram Taluk,
Namakkal District 637408.
5. P.Rajendran
6. P.Muthusamy
7. Palappa Udaiyar
8. Poomalai
9. P.Jayakumar
- 10.Senthil Kumar

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11.Subash

12.Velmurugan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to issue a direction to the 2nd respondent to remove the encroachment on cart track and provide a cart track for free flow of ingress and egress to petitioner's property situated in Survey Nos.74/8, 74/9 and 74/10, R.Puthupalayam, Rasipuram Taluk, Namakkal District.

For the Petitioner : Mr.A.J.Mohamed Kassim

For the Respondent : Mr.K.Karthik Jagannath
Government Advocate
for RR 1 to 4.

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.J.Mohamed Kassim, learned counsel for the petitioner and Mr.K.Karthik Jagannath, learned Government Advocate for respondent Nos.1 to 4.

2. The learned counsel for the petitioner submits that there exists a cart track for going to the property situated in S.Nos.74/8, 74/9 and 74/10 at R.Puthupalayam, Rasipuram Taluk, Namakkal



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District. On the last date, we had asked the learned counsel to place on record the authentic document demonstrating the existence of cart track/pathway. No such document is placed on record. The learned counsel for the petitioner submits that the petitioner is using the same since time immemorial.

3. Easementary rights would be distinct from a public pathway/cart track. In case the petitioner claims easementary rights, the petitioner will have to seek declaration from the Civil Court. If the petitioner feels that his easementary rights are affected, it is open for the petitioner to approach the Civil Court. In that event, all the contentions are kept open.

With the aforesaid observation, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

sra

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

(sra)

To

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Namakkal, Namakkal District 637408.
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