



WP No.25692 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.25692 of 2022
and WMP No.24733 of 2022

S.Kalaiselvi

.. Petitioner

-VS-

1. The District Collector,
Cuddalore District, Cuddalore.
2. The Sub Collector,
Virudhachalam, Cuddalore District.
3. The Tahsildar,
Virudhachalam Taluk,
Virudhachalam, Cuddalore District.
4. Chakrapani

.. 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 remove the encroachment made by the 4th respondent in the pathway situated in S.Nos.450/4 and 450/8, North Vellore Village & Post, Virudhachalam Taluk, Cuddalore District.

For the Petitioner : Mr.C.Prakasam



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For the Respondents : Mrs.R.Anitha,
Special Government Pleader,
for RR 1 to 3.

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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.C.Prakasam, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader, for respondent Nos.1 to 3.

2. Mr.Prakasam, learned counsel, submits that the fourth respondent has encroached on the pathway situated at S.No.450/4 and 450/8. According to the learned counsel, S.Nos.450/4 and 450/8 are used as pathway by the petitioner to reach her house. Respondent No.4 has encroached 50 cents.

3. The learned State Government Pleader submits that measurement was carried out and the petitioner was also present during the measurement. S.No.450/5 is the pathway and the petitioner



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can use the said pathway. There is no encroachment in S.No.450/5.

S.No.450/4 is a vacant natham land and not a pathway.

4. The petitioner would be justified if an encroachment is made on the pathway, that is, S.No.450/5. However, as suggested by the learned Special Government Pleader, there is no encroachment on S.No.450/5 nor it is the case of the petitioner and this Court cannot direct the respondents to grant a new pathway de hors the record. In case the petitioner has any other right, the petitioner may avail the same.

The writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.24733 of 2022 is closed.

(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

1. The District Collector,
Cuddalore District, Cuddalore.
2. The Sub Collector,
Virudhachalam, Cuddalore District.
3. The Tahsildar,
Virudhachalam Taluk,
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