



W.P.No.30164 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30164 of 2023

L.Saravanan

.. Petitioner

Vs.

1. The District Collector
Chennai District, Singaravelar Maaligai
Rajaji Salai, Chennai – 600 001.
2. The Commissioner
Corporation of Chennai
Rippon Building
Poonamallee High Road
Chennai – 600 003.
3. Revenue Divisional Officer
Office of Revenue Division
Anna Nagar West Extension
Chennai – 600 040.
4. Tahsildar
Office of the Tahsildar
No.1, Chennai – Tiruvallur High Road
Gandhi Nagar, Chennai – 600 053.



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5. C.Harikrishnan
Respondents

..

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st to 4th respondents herein to remove the encroachment of cement road laid down by the 5th respondent in the 12 feet common path from the petitioner land in Survey No.189/2, Plot No.A and admeasuring 1306 Sq.ft situated at K.V.K.Samy Street, Oragadam Village, Sithoragadam, Ambattur based on the petitioner's representation dated 20.09.2023.

For the Petitioner	: Mr.S.Satheeshkumar
For the Respondents	: Mr.P.Muthukumar State Government Pleader assisted by Mrs.R.Anitha Special Government Pleader for R1, R3 & R4
	Mr.E.C.Ramesh for R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.S.Satheeshkumar, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1, 3 and 4 and Mr.E.C.Ramesh, learned counsel for respondent 2.

2. Learned counsel for the petitioner submits that all the six owners had created a common pathway. The property is a private



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property. Now, obstruction is made on the pathway by the fifth respondent.

3. The property is a private property. The pathway is not a public pathway. It is stated that all the six land owners have created the said pathway. The Revenue Record does not exhibit the same as a pathway. In case the petitioner has a right over that private property, then it will be for the petitioner to file a Civil Suit for necessary relief of declaration and injunction. In that event if the petitioner approaches the competent forum, then all contentions of the respective parties are kept open.

4. Accordingly, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., C.J.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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

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