



W.P.(MD) No.1347 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

CORAM:

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

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.P.(MD) No.1347 of 2022

Jeyarani Nirmala

... Petitioner

-VS-

- 1.The District Collector
Thoothukudi District
Thoothukudi.
- 2.The Tahsildar,
Sathankulam Taluk
Thoothukudi District
- 3.The Block Development Officer (Village Panchayat)
Sathankulam Panchayat Union,
Sathankulam
Thoothukudi District



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4.The President,
Sasthavinallur Village Panchayat,
Sathankulam Panchayat Union,
Sathankulam Taluk
Thoothukudi District

5.Dhanasingh Jebaraj

6.Cristal Sheela

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the respondents No.1 to 4 to remove the unauthorized construction made by the 6th respondent in pathway in S.F.189/45 situated at Sasthavinallur Village, Sathankulam Taluk, Thoothukudi District on the basis of petitioner's representation dated 07.01.2022 within time frame fixed by this Court.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.D.Sasikumar for R1 and R2

Additional Government Pleader

Mr.Sarangan for R3

Mr.A.Sivasubramanian for R5 to R6



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ORDER

**[Order of the Court was made by
The Hon'ble The CHIEF JUSTICE]**

We have heard Mr.T.Vadivelan, learned counsel for the petitioner, Mr.D.Sasikumar, learned Additional Government Pleader for the respondents 1 and 2, learned counsel for the respondent No.3 and the learned counsel for the respondent Nos.5 and 6.

2. The learned counsel for the petitioner states that respondents 5 and 6 are blocking the pathway. Though patta has been issued to the respondents 5 and 6, a portion of the land has been used as a pathway. The same is objected by the respondent Nos.5 and 6. The representation is given by the petitioner but cognizance has not been taken.

3. The learned counsel for the respondents 5 and 6 submits that no pathway exists. It is the private patta land of the respondent Nos.5 and 6.



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4. The petitioner is not in a position to demonstrate from the original record that pathway exists. In the absence of any public pathway, a direction cannot be issued. In case, the easementary right of the petitioner is affected, then the petitioner has to approach the civil Court.

5. With this observation, the writ petition is disposed of. However, there is no order as to costs.

[S.V.G., CJ.]

[C.K., J.]

29.08.2023

NCC : Yes / No
Index : Yes / No

RR



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C.KUMARAPPAN, J.

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