



W.P.(MD)No.2712 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.2712 of 2021
and
W.M.P.(MD)No.2238 of 2021

P.Senthamil Selvi

.. Petitioner

Versus

1.The District Collector,
Collectorate Office,
Nagercoil, Kanyakumari District.

2.The Block Development Officer,
Agasteeswaram Panchayat Union,
Kottaram, Kanyakumari District.

3.The Tahsildar,
Agasteeswaram, Kanyakumari District.

4.The Executive Officer,
Town Panchayat Office, Mylady,
Kanyakumari District.

5.Murugan, S/o.Ayyadurai

6.Savarimuthu, S/o.Esuvadiyan

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant permission to the petitioner to utilize the public pathway in S.No.568/2C, situated at Mylady Village, Agasteeswaram Taluk, Kanyakumari District, by



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considering the petitioner's representation dated 05.02.2021, within the time frame fixed by this Court.

For Petitioner : Mr.Senthil Kumaraiah
For R1 to R4 : Ms.D.Farjana Ghoushia
Special Government Pleader
For R5 and R6 : Mr.S.Pon Senthil Kumaran

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the official respondents to enable the petitioner to utilize the public pathway in S.No.568/2C, by considering the representation made by the petitioner on 05.02.2021.

2. Heard Mr.Senthil Kumaraiah, learned counsel for the petitioner, Ms.D.Farjana Ghoushia, learned Special Government Pleader for the respondents 1 to 4 and Mr.S.Pon Senthil Kumaran, learned counsel for the respondents 5 and 6.

3. When the matter was taken up for hearing today, the learned counsel appearing for the respondents 5 and 6 submitted that the petitioner was attempting to block the pathway and hence, the respondents 5 and 6 have filed a suit in O.S.No.46 of 2021 before the I Additional District Munsif Court, Nagercoil and the same is pending.



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4. In the light of the above submission, there is a dispute between the petitioner and the respondents 5 and 6 with respect to the pathway and it can be resolved only by the competent Civil Court. Therefore, the parties can agitate their grievance before the Civil Court. Except giving this clarity, no further orders are required to be passed in this Writ Petition.

5. This Writ Petition is disposed of accordingly. No costs.

NCC : Yes/No
Index : Yes/No
smn2

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N.ANAND VENKATESH, J.

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