



W.P(MD)No.9599 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.9599 of 2023

R.Gunasekaran

... Petitioner

Vs

1. The District Collector,
Tiruchirappalli District.
2. The Tahsildar,
Tahsildar Office, Thottiyam,
Tiruchirappalli District.
3. The Village Administrative Officer,
Periyapallipalayam, Thottiyam Taluk,
Tiruchirappalli District.
4. The Surveyor,
Tahsildar Office, Thottiyam,
Tiruchirappalli District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to survey the public pathway as per the measurements in the revenue records in S.No.92/37 in Periyapallipalayam Village, Thottiyam Taluk,



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Tiruchirappalli District based on the petitioner's representation, dated 02.03.2023.

For Petitioner :Mr.P.Surliraja
For Respondents :Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

The writ petition had been filed in the nature of a mandamus, seeking a direction against the respondents, to survey the public pathway, in accordance with the measurements in the revenue records in S.No.92/37 in Periyapallipalayam Village, Thottiyam Taluk, Tiruchirappalli District. The petitioner had given a representation on 02.03.2023 and also paid necessary charges.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner is residing at No.69, Arijana Street, Periyapallipalayam, Thottiyam Taluk. In front of the house of the petitioner, there is a pathway in S.No.92/37. There are five families in the street. Earlier, the wife of the petitioner, G.Pushpalatha had given a representation seeking survey of the very same pathway. On the basis of the said representation survey had been conducted. This fact is also stated in the writ



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petition. It is stated further that one among the five families had removed the boundary mark. Therefore, the petitioner had filed a fresh representation, seeking the very same relief.

3.It must be understood that the pathway is measured only once. If there is any dispute in usage of the same, then the petitioner can assert the common usage of the pathway by way of filing a civil suit seeking a relief of declaration. Even if the petition is allowed, once again the boundary stones will be removed.

4.Since the pathway had already been measured, this writ petition stands dismissed. No costs. However, the petitioner is given liberty to approach the civil Court seeking for necessary relief.

24.04.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No
PNM



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3. The Village Administrative Officer,
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C.V.KARTHIKEYAN, J.

PNM

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