



W.P(MD)No.14312 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

WEB COPY

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.14312 of 2021

P.Manimaran

... Petitioner

vs.

1. The District Collector,
Pudukkottai District.

2. The Revenue Divisional Officer,
Pudukkottai, Pudukkottai District.

3. The Tahsildar,
Karambakudi Taluk,
Pudukkottai District.

4. The Block Development Officer,
Karmbakudi Taluk,
Pudukkottai District.

5. The District Collector,
Thanjavur District.

6. The Revenue Divisional Officer,
Thanjavur, Thanjavur District.

7. The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

8. M.K.Sivanantham
9. M.K.Sivanantham

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1



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to 7 to take appropriate action to remove the encroachment made by the respondents 8 and 9 in S.No.4/3 and S.No.4/4A in Muthalipatti Village, Karambakudi Taluk, Pudukkottai District.

For Petitioner : Mr.S.Satheesh Kumar
For R1 to R7 : Mr.P.Thilakkumar, Government Pleader
For R8 & R9 : Mr.V.Sasikumar

ORDER

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

We have heard Mr.S.Satheesh Kumar, learned counsel appearing for the petitioner, Mr.P.Thilakkumar, learned Government Pleader appearing for the respondent Nos.1 to 7 and Mr.V.Sasikumar, learned counsel appearing for the respondent Nos.8 and 9.

2. The learned counsel for the petitioner submits that a road exists from Survey No.4/4A. Survey No.4/3 is a pathway. However, the respondent Nos.8 and 9 are obstructing and have encroached upon the said road in Survey No.4/4A.

3. The learned Government Pleader submits that the petitioner has approach road from Survey No.3/1.

4. The learned counsel for the respondent Nos.8 and 9 submits that the land in Survey No.4/4A is a private land of the



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respondent Nos.8 and 9, patta has been issued in favour of the respondent Nos.8 and 9 and there is no road in the said survey number.

5. The 'A' Register does not show the existence of a pathway or road in Survey No.4/4A and FMB sketch is also not placed on record to suggest that the road / pathway exists in Survey No.4/4A.

6. According to the learned counsel for the petitioner, since many decades, the petitioner is using the road from Survey No.4/4A. In that case, it would be an easementary right of the petitioner. The petitioner will have to establish the easementary right, for that, he will be required to obtain declaration from the Civil Court. It is open for the petitioner to institute such other proceedings as may be permissible in law.

7. The Writ Petition, accordingly, stands disposed of. No costs.

[S.V.G., C.J.]

[L.V.G., J.]

30.11.2023

Index : Yes / No
Neutral Citation : Yes / No



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