



W.P.(MD) No.15033 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.15033 of 2020
and WMP(MD) No.12672 of 2020

M.Rajalakshmi

... Petitioner

Vs

1. The District Collector,
Dindigul District, Dindigul.
2. The Project Officer,
District Rural Development Agency,
Dindigul District.
3. The Block Development Officer,
Vadamadurai Panchayat Union,
Dindigul District.
4. The President,
Puthur Village Panchayat, Dindigul District.
5. Alagarsamy
6. P. Vadivel
7. R. Mookan

... Respondents

(R5 to R7 have been impleaded as per the
order of this Court dated 05.10.2023)



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ or order or direction in the nature of a writ of mandamus, forbear the respondents from laying any road or passage through the patta land of petitioner in S.No.308/3A, admeasuring 18.50 Ares at Puthur village, Vendasandur Taluk, Dindigul District.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.A.K.Manikkam for R1 to R4
Special Government Pleader
Mr.H.Lakshmi Shankar for Rto R7

ORDER

This writ petition has been filed for the issue of a writ of mandamus forbearing the respondents from laying any road or passage through the patta land of petitioner in S.No.308/3A, admeasuring 18.50 Ares at Puthur village, Vendasandur Taluk, Dindigul District.

2.Heard the learned counsel for the petitioner, the learned Special Government Pleader for respondents 1 to 4 and the learned counsel for the private respondents.

3.When the matter was taken up for hearing, the learned Special Government Pleader appearing on behalf of the respondents 1 to



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4 submitted that there is already existing road that has been used by the villagers for a long period of time and therefore, the relief that has been sought for in the writ petition is misleading.

4. The learned counsel on behalf of the impleaded respondents 5 to 7 submitted that the villagers, who are using this road as an excess to their property, do not have any other alternative pathway and in fact, the same has been accepted by the petitioner in the documents that have been placed before this Court and therefore, it was contended that the present writ petition filed by the petitioner is unsustainable.

5. The learned counsel for the petitioner submitted that the property in question is a patta land and the large extent of land cannot be made use of by showing it as a pathway. The learned counsel submitted that the 4th respondent must specifically identify the pathway and the petitioner must be rectified to make use of the remaining place. It was therefore contended that in the name of pathway, the petitioner should not be deprived of a large extent of land measuring 18.50 Ares in S.No. 308/3A.



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6. This Court has carefully considered the rival submissions and perused the materials available on record.

7. In the considered view of this Court, the petitioner has knocked the doors of the wrong Court. The nature of relief that has been sought for cannot be decided by this Court. There are rival claims and the matter requires appreciation of evidence. The easementary right is also claimed by the villagers and therefore, their rights are also involved in this case.

8. In view of the same, the relief sought for by the petitioner cannot be granted by this Court. If the petitioner is so advised, it is left open to the petitioner to work out her remedy before the appropriate forum in accordance with law.

This writ petition is disposed of with the above terms. No costs. Consequently connected Miscellaneous Petition is closed.

05.10.2023

Internet : Yes

RR

4/6



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N.ANAND VENKATESH, J.

RR

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