



W.P.(MD)No.16497 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA**
CHAKRAVARTHY

W.P(MD)No.16497 of 2023

G.Isakki Selvan

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Thiruchendur Taluk,
Thoothukudi District.
- 4.The Tahsildar,
Eral Taluk, Thoothukudi District.
- 5.The District Registrar,
Kokkirakulam,
Tirunelveli, Tirunelveli District.
- 6.The Sub-Registrar,
Alwar Thirunagari,
Thoothukudi District.



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7.O.Sankar

... Respondents

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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment in Survey No.1132/10 to an extent of 0.02.22 acres situated at Thenthirupporai Village, Eral Taluk, Thoothukudi District and should be cancelled all created and forged documents and the same properties should be taken by the Government based on the petitioner's representations dated 17.10.2020, 22.09.2022 and 02.02.2023.

For Petitioner :Mr.PR.Boomeerajan
For R-1 to R-6 :Mr.P.Thilak Kumar,
Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.PR.Boomeerajan, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader for the respondents.

2. The petitioner has come forward with this writ petition seeking for issuance of a Writ of Mandamus directing the respondents 1 to 4, to remove the encroachment in Survey No.1132/10



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to an extent of 0.02.22 hectares situated at Thenthirupporai Village, Eral Taluk, Thoothukudi District and to cancel all the created and forged documents and to take the properties by the Government based, on the petitioner's representations dated 17.10.2020, 22.09.2022 and 02.02.2023.

3. The case of the petitioner is that an extent of 0.02.22 hectares in Survey No.1132/10 of Thenthirupporai Village, Eral Taluk, Thoothukudi District, is a pathway and that it is being unlawfully encroached by the seventh respondent.

4. The revenue records produced by the petitioner only indicate that the property in Survey No.1132/10, is classified as Natham(Vacant Land). This Court cannot go into the issues involving factual disputes. The petitioner who is an adjacent owner is also entitled to file a suit claiming easementary right. In case, any pathway which is available to him or member of public is encroached, he may approach the civil Court to establish the existence of pathway and seek appropriate relief.



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5. In view of the above, this writ petition is disposed of with

liberty to the petitioner to approach the civil Court for appropriate relief.

No Costs.

[S.S.S.R., J.] [D.B.C., J.]

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Index : Yes / No

NCC : Yes/No

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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

pm

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