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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.07.2023**

**CORAM:**

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

**W.P(MD)NO.17966 OF 2023**

M.Sathya

:Petitioner

.VS.

1.The District Collector,  
Madurai,  
Madurai District.

2.The Revenue Divisional Officer,  
Melur Taluk,  
Madurai District.

3.The Tahsildar,  
East Tahsildar Office,  
Y.Othakadai, Madurai,  
Madurai District.

4.K.Vellachi

5.R.Kaliammal

: 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 1 to 3 to remove the encroachments made in public pathway situated in S.No.147/20, in Ayalangudi Panchayat, Mayandipatti, Poosaripatti Post, Madurai East Taluk, Madurai District within the time stipulated by this Court.



For Petitioner :Mr.J.Jeyakumaran

For Respondents :Mr.D.Sachikumar  
1 to 3 Addl.Govt.Pleader

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

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachments made in public pathway situated in S.No.147/20, in Ayalangudi Panchayat, Mayandipatti, Poosaripatti Post, Madurai East Taluk, Madurai District.

2.Mr.D.Sachikumar, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that she is a resident of Ayalangudi Panchayat, Mayandipatti, Poosaripatti Post, Madurai East Taluk, Madurai District and her house is located in S.No.147/22 of Mayandipatti Village, Poosaripatti Post, Madurai District. The S.No. 147/20 which is classified as 'Natham' in Village Records is being



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used as a public pathway. Alleging that the private respondents have encroached into the land which was being enjoyed by the Petitioner as pathway, the above Writ Petition is filed.

4.It is the further case of the Petitioner that earlier the encroachment in S.No.147/20 was removed by the authorities concerned and the encroachers have again occupied the encroached portion. The revenue records clearly show that S.No. 147/20 is classified as Natham vacant land and this Court is unable to find any other record from the Petitioner to indicate otherwise. It is stated that the property in S.No.147/20 is now in the occupation of the private respondents.

5.The question as to whether the land in question was used as a public pathway or not, cannot be decided by this Court in the Writ Petition. Hence, giving liberty to the Petitioner to establish her right of easement or right over the pathway by establishing the property as a public pathway before the competent Civil Court, this Writ Petition is dismissed. No costs.

**[S.S.S.R.,J.]                      [D.B.C,J.]**  
**26.07.2023**



Index:Yes/No  
Internet:Yes/No  
NCC:Yes/No

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**S.S.SUNDAR, J.**

**AND**

**D.BHARATHA CHAKRAVARTHY, J.**

vsn

**ORDER MADE IN**

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