



W.P.(MD)No.19240 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.08.2023

CORAM:

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

W.P(MD)No.19240 of 2023

Karuppasamy

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Thasildhar,
Kayathar Taluk,
Thoothukudi District.

3.The Managing Director,
United Blue Metal Associates,
Pudupatti, Koppampatti Village,
Vandanam Post, Kayathar Taluk,
Thoothukudi District – 628 714.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the 1st and 2nd respondents to remove the encroachment on the cart track situated on Survey No.166 of Koppampatti Village, Kayathar Taluk, Thoothukudi District, by the United Blue Metal Associates the third respondent herein.

For Petitioner
For R-1 & R-2

:Mr.J.Maheshkumar
:Mr.P.Thilak Kumar,
Government Pleader



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ORDER

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

Heard Mr.J.Maheshkumar, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who takes notice for respondents 1 and 2.

2. This Writ Petition is filed seeking for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment made by the third respondent in the cart track situated in Survey No.166 of Koppampatti Village, Kayathar Taluk, Thoothukudi District.

3. From the revenue documents produced before this Court and from the petitioner's own admission, it is seen that the properties in Survey No.166/1A, 166/1B2 in Koppampatti Village belong to the third respondent. Stating that there is a cart track which runs across the patta land of the third respondent, a representation was submitted by the petitioner requesting the District Collector to remove the encroachment made by the third respondent, who has obliterated the existing pathway by establishing a Crusher Unit. Except the F.M.B., sketch in respect of Survey No.166 where some dotted line is found to detail the existence of cart track or pathway, no other



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document is produced by the petitioner to show the existence of cart track. The petitioner himself admits that the existing cart track is completely closed by the excavation activities done by the third respondent.

4. In such circumstances, this Court cannot direct the official respondents to lay a cart track in the patta land of the third respondent in a writ petition filed by the petitioner. Therefore, this Court is not inclined to entertain this writ petition in view of the facts disclosed by the petitioner.

5. However, it is open to the petitioner to approach the civil Court to establish the existence of cart track in the private land and the right of public to use the same.

With such liberty preserved to the petitioner to approach the civil Court, this Writ Petition is dismissed. No Costs.

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

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Index : Yes /No
NCC : Yes/No
pm



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WEB COPY To:

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WEB COPY



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S.S.SUNDAR, J.

and

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