



W.P(MD)No.10740 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10740 of 2015

Shanmugavel

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Ambasamudram Taluk,
Ambasamudram.

4.Selva Ganapathy Raja

5.S.Pandi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 & 5 in a public pathway in Survey No.60/15 situated at Nainarkulam Village, Keela Seval,



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Ambasamudram Taluk, Tirunelveli District based on the petitioner's representation dated 12.01.2015.

For Petitioner : Mr.T.Selvan
For R1 to R3 : Mr.S.R.A.Ramachandran
Additional Government Pleader
For R4 : Mr.D.Venkatesh
For R5 : Mr.T.Lenin Kumar

ORDER

Heard the learned counsel on either side.

2. According to the Government, Survey No.60/15, Nainarkulam Village, Keela Seval, Ambasamudram Taluk has been classified as “Pothu Santhu” commonly known as “Common Pathway”. So long as the classification remains as it is, it is the duty of the authorities to ensure that it is free of encroachments.

3. The learned counsel appearing for the private respondents submits that O.S.No.9 of 2023 has been filed on the file of District Munsif Court, Cheranmahadevi as against the Government for declaration that the said Survey Number belongs to the fourth respondent herein. The aforesaid classification will abide by the outcome of the civil suit.



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4. This writ petition is disposed of accordingly. There shall be no order as to costs.

13.07.2023

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

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Ambasamudram Taluk,
Ambasamudram.

Copy to:-

The District Munsif Court,
Cheranmahadevi.



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G.R.SWAMINATHAN, J.

MGA

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