



W.P.(MD)No.19934 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **03.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)No.19934 of 2023
and W.M.P.(MD) No.16462 of 2023

Muthusankaralingam

...Petitioner

-Vs.-

1.District Collector,
Madurai District,
Collectorate Buildings,
Madurai – 625 020.

2.The Thasildhar,
Madurai West Taluka,
Virattipathu,
Madurai.

3.Block Development Officer,
Panchayath Union Office,
Thirupparankundram,
Madurai West,
Madurai.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the 2nd respondent's Notice dated 31.07.2023 to the petitioner and quash the same.



WEB COPY



W.P.(MD)No.19934 of 2023

For Petitioner : Mr.B.A.Muruganantham

For Respondents : Mr.T.Ajmalkhan
Government Advocate

ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

This Writ Petition challenges the final order passed by the Tahsildar under Section 6 of the Land Encroachment Act, 1905. As against the said order, a statutory appeal lies under Section 10 of the Land Encroachment Act, 1906.

2. Learned counsel for the petitioner would urge that it is a private pathway and therefore, we should interfere under Article 226 of the Constitution.

3. Whether it is a public pathway by virtue of its connection to a public road or a private pathway cannot be gone into in a Writ Petition. All these aspects can be urged before the appellate authority, who has to wherewithal deal with the issue, including by conducting a spot inspection.



W.P.(MD)No.19934 of 2023

4. Therefore, this Writ Petition is dismissed, with liberty to the petitioner to file an appeal within a period of two weeks from today. Till two weeks period, there shall be a direction to the respondents to maintain status quo. The petitioner may also approach the appellate authority for grant of any interim relief. In case the petitioner fails to file appeal within a period of two weeks, the interim order granted will automatically stand vacated. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

**[S.M.S.J.,] & [V.L.N.J.,]
03.10.2023**

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

SJ

To

1.The District Collector,
Madurai District,
Collectorate Buildings,
Madurai – 625 020.

2.The Thasildhar,
Madurai West Taluka,
Virattipathu,
Madurai.



WEB COPY



W.P.(MD)No.19934 of 2023

S.M.SUBRAMANIAM, J.
AND
V. LAKSHMINARAYANAN, J.

SJ

3.The Block Development Officer,
Panchayath Union Office,
Thirupparankundram,
Madurai West,
Madurai.

W.P.(MD)No.19934 of 2023

03.10.2023