



WP (MD) No. 9341 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2023

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CORAM:

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

WP (MD) No. 9341 of 2016

and

WMP (MD) No. 7400 of 2016

G. Samuel

... Petitioner

Vs

1. The District Collector,
Tuticorin District,
Tuticorin.

2. The Thasildar,
Thiruchendur Taluk,
Tuticorin District.

3. The Executive Officer,
Arulmigu Sundara Vinayagar Temple,
Angamangalam Village,
Tuticorin District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, forbearing the respondents from fencing the public pathway comprised in S.No.162, Angamangalam Village, Thiruchendur Taluk, Tuticorin District.



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For petitioner : Mr.CKM.Appaji
For Respondent : Mr.T.Vilavan Kothai,
Nos.1 and 2 Additional Government Pleader
For Respondent : Mr.M.Muthugeethayan
No.3

ORDER

This writ petition is filed for a writ of mandamus forbearing the respondents from fencing the public pathway comprised in S.No.162, Angamangalam Village, Thiruchendur Taluk, Tuticorin District.

2.The grievance of the petitioner is that the land in Survey No.162, Angamangalam Village, Thiruchendur Taluk, Tuticorin District is a pathway and it has been used as a public pathway. All of a sudden, the temple has put up a fence restraining the villagers from accessing the said public pathway. Therefore, the petitioner has approached this Court.

3.The learned Counsel for the 3rd respondent produced a copy of Adangal register that S.No.162 and 162/a of Angamangalam village belong to Angamangalam Pillaiyarkovil



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and S.No.162/2 is classified as Pillaiyarkovil street.

S.No.162 is never classified as public pathway. Therefore this writ petition is liable to be dismissed.

4.The learned Additional Government Pleader appearing for respondent Nos.1 and 2 submits that there is no reference that the property in S.No.162 of Angamangalam village is classified as public pathway.

5.In view of the above submission, this writ petition is dismissed with liberty to the petitioner to work out his remedy before the civil Court. No costs. Consequently connected miscellaneous petition also stands dismissed.

13.02.2023

dsk



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