



WP(MD)No.26476 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.(MD)No.26476 of 2023

S.Ananth

: Petitioner

Vs.

1.The District Collector,
O/o.The District Collectorate,
Karur.

2.The Block Development Officer,
O/o. Block Development Office,
Kadavur Block,
Karur.

3.The Thasildar,
O/o. Thasildar Office,
Kadavur Taluk,
Karur.

4.Sangapillai

5.Palanisamy

6.Selvam

7.Sakthivel

: Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to take necessary action to remove the unauthorized constructions and encroachment in the east west public pathway near Mariamman temple from Main Road, in Thondamankinam Village, Kadvaur Taluk, Karur District.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R1 & R3

Mr.M.Senthil Ayyanar,
Government Advocate for R2

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

Captioned Writ Petition filed as a 'Public Interest Litigation' [PIL] for the sake of brevity] essentially pertains to a pathway comprised in 'S.Nos. 281/1B, 281/2B, 281/3B, 281/4L and 279/2A, 279/3F, 279/4K, 279/5F, 279/6F and 249/IJ and 250/2 in Thondamankinam Village, Kadvaur Taluk, Karur District'. ['said pathway' for brevity].

2. Mr.G.M.Xavier, learned counsel for the petitioner, who is before us submits that said pathway needs to be converted as 'பொதுபாதை' from



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'நிலவியல் பாதை'. We refrain ourselves from expressing any opinion on this prayer owing to the trajectory the matter has taken in the hearing today, which will be captured infra.

3. Issue notice to official respondents. Mr.P.Thilak Kumar, learned Government Pleader accepts notice for respondents 1 and 3 and Mr.M.Senthil Ayyanar, learned Government Advocate accepts notice for second respondent.

4. Learned Government Pleader points out that fourth respondent [private respondent] has filed a Writ Petition in W.P.(MD)No.20214 of 2023 with a 'Writ Miscellaneous Petition' ['WMP' for brevity] thereat before the Hon'ble Single Judge in this Court with regard to the same said pathway and Hon'ble Single Judge has granted an interim order vide order dated 04.10.2023.

5. Considering the facts and circumstances of the case and the nature of the matter, there is no dispute that it may be a suitable course for the petitioner herein to implead himself in W.P.(MD)No.20214 of 2023 and



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WMP thereat and work out his remedies. This is the reason for the allusion *supra* that we refrain ourselves from expressing any opinion or view on the merits of the matter.

6. Though obvious we make it clear that we leave it open to the Hon'ble Single Judge to decide the matter on its own merits and in accordance with law when the petitioner comes before the Hon'ble Single Judge with the implead prayer.

7. Captioned Writ Petition is disposed of as closed albeit with the aforementioned observations and preservation of rights and making it clear that all the rights and contentions of the petitioner and or any other similarly placed persons *qua* said pathway are preserved for being canvassed before the Hon'ble Single Judge. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]

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Neutral Citation : Yes / No

Index : Yes/No

vsm

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