



W.P(MD)No.30516 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30516 of 2023

and

W.M.P.(MD)No.26250 of 2023

K.Rajammal

... Petitioner

Vs.

1.The General Manager,
General Manager Office,
General Branch,
1st Floor NGO Main Building,
Southern Railway, Rank Town,
Chennai - 600 003.

2.Divisional Railway Manager,
Divisional Railway Manager Office,
DRM (Genl.), DRM Complex,
Southern Railway, Thycaud,
Trivandrum, Kerala - 694 914.

3.Senior Section Engineer,
Senior Section Engineer,
Permanent Pathway,
Nagercoil Junction,
Kottar Post,
Kanyakumari District.

... Respondents



W.P(MD)No.30516 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 3rd respondent from constructing a compound wall by obstructing the petitioner's ingress and egress into his landed property situate at Re.S. No.17/9A of Vadiveeswaram East Village, Agasteeswaram Taluk, Kanyakumari District to an extent of 20.5 cents based on the petitioner's representation dated 07.12.2023.

For Petitioner : Mr.C.Nihil Nandha
For Mr.D.Krubakaran

For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India.

ORDER

Heard the learned counsel for the writ petitioner and the learned Deputy Solicitor General of India for Railways.

2.The petitioner wants this Court to forbear the Southern Railway from constructing the petition mentioned compound wall. The petitioner's contention is that if the compound wall is allowed to be put up, her land will be locked and that she will not have any right of ingress and egress. There is no doubt that the petitioner is the owner of the



W.P(MD)No.30516 of 2023

R.S.No.17/9A. The question essentially turns on easement of necessity.

Such an issue will have to be resolved only before the jurisdictional Civil Court. As rightly pointed out by the learned Deputy Solicitor General of India, the petitioner will have to implead all the adjacent land owners also. Only in a properly instituted suit, the issue raised in this writ petition can be resolved.

3.The petitioner is given liberty to move the jurisdictional Civil Court. As and when, such a suit is filed, it will be numbered immediately. The petitioner can also file an interlocutory application and seek an appropriate relief at the hands of trial Court.

4.With this liberty to the petitioner to pursue her civil remedy, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2023

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

3/4



WEB COPY



W.P(MD)No.30516 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.30516 of 2023

20.12.2023