



WEB COPY



W.P.No.13082 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.13082 of 2024

AND

W.M.P.No.14246 of 2024

K.Selvam

.. Petitioner

Vs

1.The District Collector
Dharmapuri District
Dharmapuri

2.The Revenue Divisional Officer
Dharmapuri District
Dharmapuri

3.The Tahsildar
Dharmapuri Taluk
Dharmapuri District

4.The Joint Commissioner
HR&CE Department
Salem District
Salem

5.The Assistant Commissioner
HR&CE Department
Dharmapuri District
Dharmapuri

6.Chandra
7.Moorthy
8.Selvi



W.P.No.13082 of 2024

9.Parvathi
10.Arulmani
11.Kumutha
12.Sumathi
13.Sonia
14.Krishnan
15.Shanmugam

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 not to transfer patta in the name of Sonia and Sumathi based on the sale deeds dated 26.02.2024.

For Petitioner	: Mr.M.Selvam
For R1 to R3	: Mr.A.Sathish Additional Government Pleader
For R4 & R5	: Mr.K.Karthikeyan Government Advocate
For R6 to R15	: Mr.N.Manokaran

ORDER

This writ petition has been filed for a direction to the respondents 1 to 3 not to transfer patta in the name of Sonia and Sumathi, based on the Sale Deed dated 26.02.2024.

2. Heard both sides and perused the materials placed on record.

3. It is the grievance of the petitioner that the common pathway in the temple land comprised in S.No.332, through which, he used to reach his fields



W.P.No.13082 of 2024

situated in S.Nos.327, 328 and 336 was obstructed by the encroachers. Hence, the present writ petition.

4. In the counter filed that has been filed by the respondents 4 and 5, it is averred that the Department has already taken steps to cancel the patta issued to third parties and to issue patta in the name of the temple and a caution notice board was also installed in S.No.332. Further, the suit in O.S.No.49 of 2020 that has been filed by Vediappan and others against the petitioner and others, seeking declaration and injunction to remove the encroachment by way of pathway in the suit property, is also pending on the file of the Sub Court, Dharmapuri.

5. In such view of the matter, I do not find any merits in the claim of the petitioner and if he wants to establish his easementary right over the pathway, he can do so in O.S.No.49 of 2020, pending on the file of the Sub Court, Dharmapuri.

With the above observation, this writ petition stands dismissed. No costs. Connected miscellaneous petition is closed.

26.06.2024

gya



WEB COPY



W.P.No.13082 of 2024

N.SATHISH KUMAR, J.

gya

To

1.The District Collector
Dharmapuri District
Dharmapuri

2.The Revenue Divisional Officer
Dharmapuri District
Dharmapuri

3.The Tahsildar
Dharmapuri Taluk
Dharmapuri District

4.The Joint Commissioner
HR&CE Department
Salem District
Salem

5.The Assistant Commissioner
HR&CE Department
Dharmapuri District
Dharmapuri

W.P.No.13082 of 2024

26.06.2024