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W.P.No. 21430 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.21430 of 2024
and W.M.P.No.23390 of 2024

S.P. Dhanasekaran

.. Petitioner

Versus

1. The District Collector
Salem District, Salem

2. The Block Development Officer,
Ayothipattinam Panchayat Union,
Vazhapadi Taluk, Salem District,
Salem.

3. The Inspector of Police,
Karipatty Police Station, Salem.

4. The President
Chinna Koundapuram Panchayath
Ayothipattinam Union, Vazapadi Taluk,
Salem District.

5. T. Suryaprakash

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st to 3rd respondents



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to restore the pipeline situated in Survey No.74/2 of Cart Track (with a length of 534 links and a breadth of 15 links) pipe line was located underneath in the land situated at Chinnagoundapuram Village, Karipatti, Salem District and to consider the representation of the petitioner dated 15.05.2024 within stipulated time fixed by this Court and pass orders.

For Petitioner : Mr.M. Dinesh

For Respondents 1 and 2 : Mr. M. Venkateswaran
Special Government Pleader

For Respondent 3 : Dr.C.E.Pratap
Government Advocate(crl side)

ORDER

This petition is filed to issue a Writ of Mandamus directing the 1st to 3rd respondents to restore the pipeline situated in Survey No.74/2 of Cart Track (with a length of 534 links and a breadth of 15 links) pipe line was located underneath in the land situated at Chinnagoundapuram Village, Karipatti, Salem District and to consider the representation of the petitioner dated 15.05.2024 within stipulated time fixed by this Court and pass orders

2. The case of the petitioner is that the petitioner is in possession of



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the property situated at S.No.67 and 4.25 acres of land in S.No.74 situated at Chinnagoundapuram Village, Karipatti, Salem District. The sum and substance of the case is that there was a existing pathway i.e Cart Track situated in S.No.74, Chinnagoundapuram Village. This Cart track has a length of 543 links length and a 15 links breadth and lies between the aforementioned lands and the same was mentioned in the 1980's document which was purchased by the father of the petitioner. The 4th respondent who possess property adjacent to the petitioner's property restrain the usage of the existing pathway and also filed O.S.No.625 of 2024 before the Salem District. The grievance of the petitioner is that he has given a representation to the third respondent on 15.05.2024 and the same was not considered till date. Hence, this petition.

3. Mr. M. Venkateswaran, Special Government Pleader takes notice for the first and second respondent, Mr.C.E.Pratap, Government Advocate(crl side) takes notice for the third respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.



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4. Since no adverse orders have been passed against the fifth respondent, notice to fifth respondent dispensed with.

5. The learned counsel appearing for the petitioner submitted that the 4th respondent has no right over the subject property and he has damaged the existing pipe lines, due to which he was not able to irrigate his agricultural land.

6. The learned Special Government Pleader appearing for the first and second respondents submitted that regarding the path way the petitioner has filed a criminal complaint and the 4th respondent has also filed a suit before the Court below. He further submitted that the issue pertains to the pathway dispute and the same can be decided only by the Competent Civil Court.

7. Heard both sides and perused the materials available on record

8. As averred by the learned counsel for the petitioner if he has



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any grievance with regard to the pathway dispute he can approach the competent Civil Court and not by way of approaching the third respondent.

9. In view of the above, the petitioner has to ventilate his grievance by approaching the competent Civil Court and he cannot avail the benefit by preferring the present writ petition.

10. In such view of the matter, this Court is of the considered view that the petitioner has to work out his remedy before the Civil Court and no orders can be passed in these writ petition.

11. For the reasons stated above, this Writ Petition is dismissed. However petitioner is granted liberty to work out his remedy before the Competent Civil Court. No costs. Consequently, the connected miscellaneous petition is closed

01.08.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To



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V.BHAVANI SUBBAROYAN, J.



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