



W.P(MD)No.7602 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.7602 of 2024

Gopala Krishnan

... Petitioner

vs.

1.The District Collector/Monitoring Committee,
Ramanathapuram District.

2.The District Revenue Officer,
Ramanathapuram District.

3.The Revenue Divisional Officer,
Ramanathapuram District.

4.The Tasildhar,
Muthukulathur Taluk,
Ramanathapuram District.

5.Angammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4, to remove the encroachment made by the fifth respondent in the common pathway situated in S.No.311/53, Melamuthukulathur Group, Muthukulathur Taluk, Ramanathapuram District, by considering the petitioner's representation, dated 08.03.2024, within the time stipulated by this Court.

For Petitioner
For R-1 to R-4

: Mr.K.Dinesh
: Mr.S.P.Maharajan,
Special Government Pleader



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ORDER

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(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 4, to remove the encroachment made by the fifth respondent in the common pathway situated in S.No.311/53, Melamuthukulathur Group, Muthukulathur Taluk, Ramanathapuram District, by considering the petitioner's representation, dated 08.03.2024, within a stipulated period.

2. According to the petitioner, he has made a representation to the authorities for taking action against the fifth respondent for encroaching upon a public pathway. Since the said representation has not been considered, the petitioner has filed this writ petition.

3. However, it is seen from the photograph filed in the typed set of papers that the fifth respondent has thrown the cow dung in the public pathway which according to the petitioner, the fifth respondent has made encroachment in the public pathway.

4. We are of the view that such representation made by the petitioner cannot be accepted simply on the ground that this is a private dispute as



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against the petitioner and the fifth respondent with regard to the illegal act done by the fifth respondent. Therefore, the prayer as sought for by the petitioner cannot be granted. If the petitioner is aggrieved by the illegal act done by the fifth respondent, he has to approach the appropriate forum.

With the above observation, this writ petition stands disposed of.
No Costs.

[D.K.K.,J.] [R.V.,J.]
26.03.2024

NCC : Yes / No
Index : Yes / No
PM

To

- 1.The District Collector/Monitoring Committee,
Ramanathapuram District.
- 2.The District Revenue Officer,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Ramanathapuram District.
- 4.The Tasildhar,
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Ramanathapuram District.



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

PM

ORDER MADE IN
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DATED : 26.03.2024