



W.P(MD)No.8149 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8149 of 2023

Y.Selvaraj

... Petitioner

Vs

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.

2. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

3. The Revenue Divisional Officer,
Thiruvadanai Zone,
Ramanathapuram District.

4. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

5. The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

6. Balu.V.K

7. Arumugam

8. Sulochana



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9. Kuppu

10. Selvi

11. Antony Savior

... Respondents

*(R6 to R11 are impleaded vide Court order dated
19.09.2023 in W.M.P.(MD)No.12865 of 2023
in W.P.(MD)No.8149 of 2023)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to take action against the persons who are doing untouchability practice in front of petitioner house for using the road and to take steps for using the road without any hindrance from anybody, since it is a fundamental right of the citizen by considering the petitioner's representation dated 23.01.2023.

For Petitioner : Mr. KR.Bharathi Kannan

For R1, R3 & R4 : Mr.P.T.Thiraviam
Government Advocate (Crl. Side)

For R2 & R5 : Mr.E.Antony Sahaya Prabahar

Additional Public Prosecutor
For R6 : Mr.D.Venkatesh



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ORDER

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The petitioner with a grievance that he has been ex-communicated and prevented from using a public pathway has filed this Writ Petition seeking a Writ of Mandamus, to take action based on the petitioner's representation dated 23.01.2023.

2.The Government Advocate (Crl. Side) has produced the written instructions provided by the Tahsildar, Thiruvadanai in Na.Ka.B5/1984/2024 dated 25.07.2024, that there is no question of discrimination and it is only a case of encroachment. According to him, the private parties had encroached the public pathway and they have prevented the petitioner from using the pathway. Considering the fact that it is a public pathway, the Tahsildar has also initiated action to remove the encroachment and he has also issued notice under Section 7 of the Land Encroachment Act, 1905, on 23.07.2024. He further submits that both parties belong to the same community and there is no question of discrimination or untouchability in the village.

3.Considering the report of the Tahsildar dated 25.07.2024, this



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Writ Petition is closed with a direction to the Tahsildar to ensure that the encroachments in the public pathway are removed by following due process of law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

25.07.2024

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

jbr

To

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.
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Ramanathapuram,
Ramanathapuram District.
3. The Revenue Divisional Officer,
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5. The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

6. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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