



W.P(MD)No.14733 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

CORAM:

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

W.P(MD)No.14733 of 2022

M.Manikandan

... Petitioner

vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Papanasam Taluk,
Thanjavur District.

3.The Tahsildar,
Papanasam Taluk,
Thanjavur District.

4.The Village Administrative Officer,
Alangudi,
Papanasam Taluk,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to take appropriate action and to ensure that the pathway in Survey



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WEB COPY No.247/2 measuring 40 feet width X 320 feet length situated at Alangudi Village, Papanasam Taluk, Thanjavur District is free to access for the petitioner as well as the general public as per the order dated 30.01.2018 passed in W.P(MD)No.13422 of 2018 by considering the writ petitioner's representation dated 13.05.2022.

For Petitioner	: Mr.Niranjana S.Kumar
For Respondents	: Mr.N.Satheesh Kumar Additional Government Pleader

ORDER

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

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the respondents herein to take appropriate action and to ensure that the pathway in Survey No.247/2 measuring 40 feet width X 320 feet length situated at Alangudi Village, Papanasam Taluk, Thanjavur District is free to access for the petitioner as well as the general public as per the order dated 30.01.2018 passed in W.P(MD)No.13422 of 2018 by considering the writ petitioner's representation dated 13.05.2022.



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2. According to the petitioner, earlier the petitioner herein had filed a Writ Petition before this Court in W.P(MD)No.13422 of 2018 for the similar prayer and by order, dated 30.10.2018, the Hon'ble Division Bench of this Court passed the following order:

'3. Therefore, the respondents 1 to 4 are directed to survey the pathway and make a boundary line by erecting some pillars, so that the grievance of the petitioner to use the pathway as a public pathway would be properly taken care of. The said exercise shall be done within a period of four weeks from the date of receipt of a copy of this order.'

3. Pursuant to the aforesaid direction, the respondents have complied with the said direction issued by this Court and a pathway measuring 40 feet width X 320 feet length was earmarked and the boundaries were fixed and stone pillars were erected at the cost of the petitioner. Now, the private parties have made an attempt to cause hindrance for the petitioner's access to reach the agricultural lands as well as the general public. Hence, the petitioner has filed the present Writ Petition.



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4.The third respondent/the Tahsildar, Papanasam has filed a counter-affidavit, wherein it is stated as follows:

'The representation of the petitioner has been duly attended to and directed the Village Administrative Officer to make surveillance of the demarcated stones in the boundary line. In contrary to this, the petitioner has furnished false information that the pathway was measured as 40 feet width and 320 feet length which is not correct. It had been measured as in the state on ground of the existing pathway with a measurement of an average width of 17 feet and length of 338.8 feet. The petitioner is trying to catch fish in the troubled water. The petitioner has manipulated the directions of this Hon'ble Court and compels the District administration to provide more than sufficient measurement of pathway.'

5.Further, the second respondent/Revenue Divisional Officer, Thanjavur has filed a compliance report before this Court, wherein it has been specifically stated that the pathway leading to the lands of the petitioner is having the measurement of length 338.8 feet and breadth of 17 feet also exists in Survey No.247/2 and having the classification of Mandaveli poramboke and there is no hindrance in the pathway, as alleged by the petitioner.



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6.Recording the aforesaid statement made by the Tahsildar as well as the Revenue Divisional Officer, no further order is required in this Writ Petition. Accordingly, this Writ Petition is dismissed. However, we make it clear that as alleged by the petitioner, if the stone pillars have been removed, the authority concerned is directed to restore the said stone pillar as averred in the counter-affidavit filed by the second respondent providing the pathway to a measurement of 338.8 feet length and 17 feet breadth. No costs.

[D.K.K.,J.] [R.V.,J.]
02.01.2024

NCC : Yes / No
Index : Yes / No
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

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ORDER MADE IN
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DATED : 02.01.2024