



W.P(MD)No.16873 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 29.07.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.16873 of 2024

Shanthi

... Petitioner

Vs.

1.The District Collector,  
Thanjavur District,  
Thanjavur.

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

3.The Tahsildar,  
Thanjavur District,  
Thanjavur.

4.Jeyanthi

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to give permission to fill the pith and use the said common pathway to reach the Plot No.36, on the basis of the petitioner's representation dated 20.06.2024 within stipulated time fixed by this Court.

For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.K.Balasubramani,  
Spl. Government Pleader for R1 to R3.



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## **ORDER**

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2. Issuance of notice to the fourth respondent is dispensed with.

2.The petitioner owns the petition mentioned property (Plot No.36). The petitioner was accessing her house through government poramboke land. It had been assigned in favour of landless poor and one of the allottees had also put up construction. As a result, the petitioner's earlier pathway got cut off. Hence, she requested the third respondent to permit to her to use an alternative pathway. The petitioner had been informed that without dumping soil and increasing the height, she can use the land belonging to the highways. I called upon the petitioner to produce photographs. The petitioner states that in front of her house, there is a pit and unless she is permitted to fill the pit, she will not be able to form a pathway. The petitioner is permitted to form a pathway to access her house through the highways property on the same condition set out in the memorandum dated 23.12.2023. In other words, on account of the levelling done by the petitioner, the allottees including the fourth respondent



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should not be put to any kind of hardship. In other words, the stipulation set out in the memorandum dated 23.12.2023 should be strictly adhered to by the petitioner. Subject to this, the third respondent is directed to grant permission to the petitioner to fill the pit and form pathway to reach the petition mentioned premise bearing Plot No.36. Such a proceeding shall be issued by the third respondent within a period of three weeks from the date of receipt of a copy of this order.

3.The writ petition is allowed accordingly. No costs.

**29.07.2024**

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

**To:-**

- 1.The District Collector,  
Thanjavur District,  
Thanjavur.
- 2.The Revenue Divisional Officer,  
Thanjavur District, Thanjavur.
- 3.The Tahsildar,  
Thanjavur District,  
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**G.R.SWAMINATHAN, J.**

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