



W.P.(MD)No.18737 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18737 of 2024

Deepa

... Petitioner

Vs.

1.The District Collector/Monitoring Committee,
Collectorate Office,
Thanjavur District.

2.Tashildar,
Pabanasam Taluk,
Thanjavur District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to survey all the layout and to provide ingress and egress to the petitioner property situated in S.No.514/6, Kabisthalam Village, Pabanasam Taluk, Thanjavur District based on his representation dated 05.07.2024.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.A.Kannan,
Addl. Govt. Pleader.



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ORDER

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This Writ Petition has been filed seeking direction to the 2nd respondent to survey all the layout and to provide ingress and egress to the petitioner property situated in S.No.514/6, Kabisthalam Village, Pabanasam Taluk, Thanjavur District, based on his representation dated 05.07.2024.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, the petitioner's mother has executed a settlement deed in respect of the property in S.Nos.154/6, 158/15B and 154/16, in favour of the petitioner. The petitioner stated that one of the properties in the settlement deed in S.No.154/6, to the extent of 0.05 Ares had access through the property of one scheduled property in S.No.154/1, which belongs to one Selvi, who resides on the adjacent land. Now the said Selvi is attempting to sell the property in S.No.154/1, thereby the ingress and egress to the petitioner's property



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has been prevented. In this regard, the petitioner made a representation on 05.07.2024. Since, no action has been taken, the petitioner has filed this Writ Petition.

4. At the outset, this Court is of the view that this Writ Petition is not maintainable. The petitioner is trying to assert his easementary right, it is for her to establish the same in the manner known to law by filing appropriate suit before the civil Court.

5. In view of the above, this Writ Petition is dismissed. There shall be no order as to costs.

05.08.2024

NCC : Yes/No
Index : Yes/No
vsm

To

1. The District Collector/Monitoring Committee,
Collectorate Office,
Thanjavur District.

2. Tashildar,
Pabanasam Taluk,
Thanjavur District.

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N.SATHISH KUMAR, J.

vsm

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